

ORDINANCE NO. 12626

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE X, CHAPTER 24, STOPPING, STANDING AND PARKING, SO AS TO CREATE THE CHATTANOOGA PARKING AUTHORITY AND DELEGATE CERTAIN DUTIES TO THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) AND TO MAKE CERTAIN OTHER AMENDMENTS AS SET FORTH HEREIN, AND TO MAKE CERTAIN FURTHER REVISIONS TO ARTICLE XIV, CHAPTER 24, SCHEDULE V, AS SET FORTH HEREIN.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Article X, Chapter 24, be and the same is hereby amended by amending and restating Division 1, to become operative effective October 1, 2012, as follows:

ARTICLE X. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Section 24-286. Prohibited in certain specified places.

(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, provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic, or such parking is not prohibited by ordinance;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;

- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) 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 official signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) 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 such entrance, when properly signposted;
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street (double parking);
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless parking is specifically approved;
- (14) Adjacent to a yellow curb;
- (15) At any place where official signs prohibit stopping; or
- (16) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is physically handicapped, or parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification issued as set forth in paragraph (e) of this section.

(b) No person shall move a vehicle not lawfully under his 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 the driver of any vehicle which is disabled while on paved or improved or main traveled portion of a 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; provided, however, that such vehicle may be removed as provided in section 24-303 when it is found to constitute a hazard to safety or an obstruction to traffic.

(d) The provisions of this section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire under a franchise or permit from the city authorizing the operation of any vehicle upon the streets and highways in the city while taking passengers on such vehicle or discharging passengers therefrom or to any vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the state or federal government 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 two hundred (200) feet in each direction, upon such roads, streets or highways.

(e) It shall be unlawful for any person to park or store a recreational vehicle, camper, trailer or non-motorized vehicle, or for the owner of a recreational vehicle, camper, trailer or non-motorized vehicle to allow any other person to park or store such recreational vehicle, camper, trailer or non-motorized vehicle, within a City right-of-way between the hours of 9:00 a.m. and 7:00 p.m. in any residential zone or residential area within the City.

(f) No person shall stand or park a truck, trailer, or other motor vehicle having three or more axles or with a gross vehicle weight rate (G.V.W.R.) greater than fourteen thousand nine hundred (14,900) pounds in a residential district on either a street right-of-way or on private property except during the loading or unloading of passengers or material. As it relates to trailers: (1) the 14,900 lb. GVWR shall apply to the combined weight of the trailer and vehicle used to tow it; and (2) the axles of the vehicle used to tow the trailer shall be counted as well as those of the trailer. Provided that this section shall not apply to private property which is properly zoned for commercial or industrial use or which is a lawful non-conforming commercial or industrial use and where the standing or parking of a truck or other motor vehicle would be a proper accessory use of the main building or use pursuant to applicable zoning ordinances and laws.

(Code 1986, § 24-286; Ord. No. 9556, § 1, 5-21-91; Ord. No. 10280, § 1, 8-22-95; Ord. No. 10615, § 1, 9-16-97; Ord. No. 11701, § 1, 7-5-05; Ord. No. 11813, § 1, 3-28-06; Ord. No. 11846, § 1, 6-27-06).

State law reference--Similar provisions, T.C.A., § 55-8-160.

Section 24-287. Parking in violation of signs.

No person shall park a vehicle on any property of the city where “no parking” signs have been placed; nor shall any person park any vehicle on such property or on any street for a longer time than is permitted by signs placed on such property or streets.

(Code 1986, § 24-287)

Section 24-288. Reserved.

Section 24-289. Manner of parking on roadways.

(a) Except where angled street parking is allowed under section 24-290, and except where otherwise authorized in this chapter, no person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway.

(b) Where parking spaces have been lawfully designated, vehicles may be parked on the left-hand side of one-way streets or next to the center strip of streets divided by a median strip. In such instances, the left-hand wheels of the vehicle must be within eighteen (18) inches of the curb or edge of the roadway.

(Code 1986, § 24-289)

State law reference--Similar provisions, T.C.A., § 55-8-161(a).

Section 24-290. Angle parking.

(a) The Parking Authority in consultation with the city traffic engineer shall recommend streets upon which angle parking be permitted and upon approval of the City Council such streets shall be so designated, but such angle parking shall not be indicated upon any federal aid or state highway within this city, unless the state department of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the side of the street intended for use by opposing traffic.

(c) Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway indicated by such angle parking signs or markings.

(Code 1986, § 24-290)

State law reference--Authority to permit angle parking, T.C.A., § 55-8-161(c).

Section 24-291. Reserved.

Section 24-292. Parking for display of vehicles for sale or repair.

No person shall park a vehicle upon any street for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, maintaining or repairing such vehicle, except repairs necessitated by an emergency.

(Code 1986, § 24-293)

Section 24-293. Curb loading zones--Designation.

The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall determine the location of appropriate signs indicating the same and stating the hours during which these provisions are applicable. The Parking Authority may recommend such zones to the City traffic engineer.

(Code 1986, § 24-294)

Section 24-294. Same--Standing in passenger zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

(Code 1986, § 24-295)

Section 24-295. Same--Standing in freight zone.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(Code 1986, § 24-296)

Section 24-296. Designation of public carrier stops and stands.

The city traffic engineer, is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. The Parking Authority may recommend such stops and stands to the city engineer.

(Code 1986, § 24-297)

Section 24-297. Stopping, standing, parking of buses.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated, as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated, as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(Code 1986, § 24-298)

Section 24-298. Vehicles other than buses using bus stops.

No person shall stop, stand or park a vehicle other than a bus in a bus stop when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone.

(Code 1986, § 24-299)

Section 24-299. Duties when leaving vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand on any street unattended without first stopping the engine, locking the ignition and effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels of such vehicle to the curb or side of the street.

(Code 1986, § 24-300)

State law reference--Similar provisions, T.C.A., § 55-8-162(a).

Section 24-300. Designation of curb parking spaces for the handicapped.

(a) The city traffic engineer is hereby authorized to establish the location of curb parking spaces for the handicapped and shall determine appropriate signs designating the same. Any business, firm or other person transacting business with the public from a permanent location may provide specially marked parking spaces for the exclusive use of persons qualifying for the rights and privileges extended by this section. Each such parking space marked by such business, firm or other person shall be marked and maintained with the stylized wheelchair symbol designated by Tennessee Code Annotated, Section 55-21-104. The Parking Authority may recommend designation of handicap spaces.

(b) For the purposes of this section a "handicapped driver" is one who qualifies pursuant to the provisions of sections 55-21-101 through 55-21-108, Tennessee Code Annotated, and has been issued distinctive design license plates or a distinguishing placard properly displayed as described in the Tennessee Code.

(c) It shall be unlawful to cause, allow, permit or suffer any vehicle registered in the name of or operated by any person to stop, stand or park for any purpose or length of time in any place marked as a parking space for the handicapped, other than:

- (1) A handicapped driver to whom the distinctive license plates were issued and driving a vehicle displaying the distinctive license plates, or
- (2) A handicapped driver of a vehicle properly displaying the distinguishing placard on the dashboard of the vehicle on the driver's side, or
- (3) A qualified vehicle operator acting under the express direction of a handicapped driver or handicapped passenger, in his presence, and driving a vehicle displaying the distinctive license plates or the distinguishing placard.

(d) A vehicle which does not display a disabled license plate or placard, and which is parked in any parking space designated with the wheelchair disabled sign, is subject to being ticketed, immobilized, or impounded, all in accordance with the remedies established in this Chapter. (Code 1986, § 24-301; Ord. No. 10808, § 1, 12-8-98)

Section 24-301. Off-street parking required for persons parked transacting business from vehicles and carts in certain zones; such businesses prohibited in certain zones; exceptions.

(a) Except as provided in paragraph (c) of this section and Article XIII of chapter 11 of this Code, it shall be unlawful for any person to sell, give away, or purchase merchandise from a parked motor vehicle, trailer, mobile home, push cart, motorized cart, bicycle-propelled cart, animal-drawn wagon or cart, table, crate, carton, rack, or other similar device on public streets, sidewalks, or rights-of-way abutting any property in the City. (Ord. No. 12448, § 1, 11-23-10)

(b) Except as provided in paragraph (c) of this section and in Article XIII of chapter 11 of this Code, it shall be unlawful for any person to sell, give away or purchase merchandise from a parked motor vehicle, trailer, mobile home, push-cart, motorized-cart, bicycle-propelled cart, animal-drawn wagon or cart, table, crate, carton, rack, or other similar device in any parking space on public streets or right-of-way in the city that is controlled by a parking meter or which is located in a parking meter zone.

(c) This section shall not apply to vendors or delivery trucks, automobiles, or vans which temporarily stop at any one location on a public street or right-of-way for fifteen (15) minutes or less in the ordinary course of door-to-door sales or deliveries, or for fifteen (15) minutes or less in the ordinary course of sales to pedestrian traffic.

(Code 1986, § 24-302; Ord. No. 12448, § 1, 11-23-10)

Section 24-302. Enforcement and Civil Penalties.

(a) The provisions of this Division 1 may be enforced either by the City of Chattanooga, or by the Parking Authority created under Division 2 of this Article X within those areas of the City where the Parking Authority is granted the right for parking enforcement under Section 24-317.

(b) Any person parking in violation of any of the provisions of this Division 1 of Article X shall pay a civil penalty not in excess of Fifty Dollars (\$50) for each violation (or One Hundred Dollars (\$100) for each violation in the case of violations of the handicapped parking space rules).

(c) Any person cited by the City of Chattanooga for a violation as set out in paragraph (b) of this section shall pay such civil penalty within ten (10) days to the city court clerk's office, either by mail or in person. If such civil penalty is not paid within ten (10) days, a warrant may issue and the violator shall be subject to an additional civil penalty of not less than Thirty-Five Dollars (\$35.00) nor more than Fifty Dollars (\$50.00), plus court costs, which court costs shall not exceed Thirty-One and 50/100 Dollars (\$31.50) if both are paid before the court date.

(d) Any person cited by the Parking Authority for a violation as set out in paragraph (b) of this section within an area where the Parking Authority is granted parking enforcement authority under this Ordinance shall either pay such civil penalty within ten (10) days to the Parking Authority, either by mail or in person, or may choose to pursue the alternative resolution process established in Division 4 below by requesting a hearing pursuant to the provisions of Section 24-334. If such civil penalty is not paid within ten (10) days and no hearing is requested under Section 24-334, the violator will be subject to an additional civil penalty of not less than Thirty-Five Dollars (\$35.00) nor more than Fifty Dollars (\$50.00), and the Parking Authority may pursue the remedies otherwise established in Divisions 3 and Division 4 below. (Code 1986, § 24-304; Ord. No. 9444, § 1, 9-4-90; Ord. No. 11434, §19, 07-15-03; Ord. No. 11460, §2, 09-16-03; Ord. No. 12360, § 1, 3-02-10)

Section 24-303. Removal of illegally parked vehicles.

(a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of any of the provisions of this chapter (other than parking meter violations addressed under section 24-326), such officer shall remove or cause to be removed such vehicle unlawfully parked or found to constitute a hazard to safety where the owner or person in charge of such vehicle cannot be found or is unable to act or refuses to act, and, if necessary for such purpose, may use such force as may be necessary to enter such vehicle and cause the same to be placed in condition to be removed, and may employ any reputable person engaged in the business of towing or storing vehicles for such purposes; provided, that the nearest available garage performing such service shall be called for the removal of such vehicle if available. The owner or driver of such vehicle shall pay the cost of removing the vehicle from the street and all charges which may have accrued for the removal and storage of such vehicle. The owner of the garage or storage place shall, upon presentation by the owner or driver of a release by the police department of such vehicle, release such vehicle to the owner or person in charge of the vehicle upon the payment of the cost of removal and all labor and storage charges.

(b) Whenever any police officer finds a vehicle unattended upon any bridge, causeway, tunnel or street where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety at the expense of the owner.

(Code 1986, § 24-288)

State law reference--Similar provisions, T.C.A., § 55-8-159.

Section 24-304 -- 24-310. Reserved.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the current Division 2 of Chapter 24 be deleted as a new Division 2 be enacted to become operative effective October 1, 2012, as set forth below:

DIVISION 2. ESTABLISHMENT OF PARKING AUTHORITY

Section 24-311. Creation of Parking Authority as Expansion of Duties of Metropolitan Transit Authority

The Chattanooga Area Regional Transportation Authority (“CARTA”), as authorized under § 7-56-101 through 7-56-109 of the Tennessee Code and established under Chapter 23 of the Chattanooga City Code, is hereby created to serve as the City of Chattanooga Parking Authority, hereinafter referred to as the “Parking Authority.” The Parking Authority shall constitute a public body, corporate and politic, and shall act as an agency, instrumentality and constituted authority of the City of Chattanooga for the provision, maintenance and operation of adequate and reasonably priced public parking facilities, structures, and meters along with the enforcement of parking violations in the parking meter zones approved by the City Council to protect and promote the safety, comfort, convenience and welfare of the people of Chattanooga. The board of CARTA shall have its duties expanded to include all the duties of the Parking Authority as herein enumerated. The composition, appointment and tenure of the board of CARTA is not otherwise changed by this Article creating the Parking Authority. The Parking Authority shall exercise this responsibility in such streets on areas that may be designated by the City Council.

Section 24-312. Powers.

The Parking Authority shall have the following powers, in addition to those granted by T.C.A. § 7-56-101 through 7-56-109; Chapter 23 of the Chattanooga City Code; and other applicable statutes:

- (a) To install, lease, construct, maintain, manage, operate, repair, acquire, own, finance and control new and existing parking facilities and structures;
- (b) To plan, design and locate parking facilities and structures;
- (c) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers;
- (d) To hire and maintain such staff personnel as may be required;

- (e) Subject to all applicable state laws and regulations:
- 1) To purchase, lease, obtain an option upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property including air space, and any interest therein, together with any improvements thereon; to demolish buildings and clear improvements from any of its real property and dispose of any personal property resulting therefrom; to dispose of any real or personal property at fair value; to rent, lease, construct, maintain, manage, operate, repair parking facilities and structures and other real property located within or within reasonable proximity to the parking districts;
 - 2) To contract with any suitable and qualified person, firm or corporation for construction, operation and/or management of any parking facility or structure as is found to be in the public interest;
 - 3) To borrow from and to accept loans and grants from the federal, state, city government or any agency thereof, or from any sources, public or private, and to pledge such security as may be required;
 - 4) To finance or refinance any of its purposes or operations, including the acquisition, construction, installation, equipping, repair, maintenance, renovation, or improvement of parking facilities and structures, or to refund any obligations previously issued by the Parking Authority or any other governmental agency for any such purpose;
 - 5) To install, lease, construct, maintain, manage, operate, repair, acquire, own, finance and control all parking meters in the city;
- (f) To enforce all non-moving traffic violations connected with such meters or parking facilities and structures which the parking authority maintains, operates, owns or manages;
- (g) To enforce all other non-moving traffic violations identified in Division 1 of this Article X which are not related exclusively to parking meter violations.
- (h) To fix, set, and prescribe reasonable rates, charges, and expenses for parking at meters on public streets which the Parking Authority maintains, operates, owns, or manages, subject to a maximum rate not to exceed One Dollar (\$1.00) per half hour.
- (i) To create differing parking districts with differing rules, rates, and regulations, in order to best serve areas which may require differing parking management because of differing needs for parking in residential, commercial, industrial, recreational, and mixed use areas within the city.

- (j) To undertake such studies and strategic planning initiatives as may be needed from time to time to plan for and provide effective long-term public parking for the City of Chattanooga, including public streets and roads, public garages, special parking districts, integration with public transportation, and any other such topics pertaining to the creation, operation, and management of adequate and safe public parking opportunities.
- (k) To promulgate such rules and regulations as are necessary to carry out this ordinance.
- (l) Notwithstanding any of the powers enumerated in this section, the Parking Authority shall have no power to incur indebtedness or otherwise create any financial liability which is an obligation of the City of Chattanooga unless expressly approved by the City Council.

Sections 24-313 -- 24-315. Reserved.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the current Division 3 be renumbered to Division 5 and a new Division 3 become operative effective October 1, 2012, as follows:

DIVISION 3: PARKING METERS

Section 24-316. Definitions.

(a) “*Parking meter(s)*” shall mean any mechanical or electronic device used, placed, installed or erected at or near the curb adjacent to the street area, or otherwise on property which is owned, operated, leased or maintained by the City of Chattanooga or by the Parking Authority, which device is designated to register, or issue printed and/or electronic confirmation of, the purchase and duration of the parking time and limit thereof, upon payment by U.S. coin, payment card or any other alternative payment capability.

(b) Each parking meter shall be so set as to display a signal, print out, and/or to electronically confirm the legal purchase of a temporary parking right, upon the deposit or other payment of the appropriate legal tender, for the period of time prescribed by this chapter. Each device shall be so arranged that will indicate by a proper visible signal, printed receipt or electronic confirmation indicating when the lawful parking period has expired, and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided by section 24-326 of this Code.

Section 24-317. Authorization to install parking meters.

(a) After approval by the City Traffic Engineer, the Parking Authority is hereby authorized to install parking meters on any street, or portion thereof, (i) designated by the City Council as a parking meter area and specifically listed in section 24-505(a) of Article XIV of the Chattanooga City Code; or (ii) included within the boundaries of the map set forth at section 24-505(b) of the Chattanooga City Code.

(b) The streets (or portions thereof) upon which parking meters may be placed, together with a listing of meter rates, time limits, and other applicable rules and regulations, shall be made available for public information by the Parking Authority both through printed copies of such rules and regulations, and by a publicly-available internet site.

Section 24-318. Parking space markings.

The Department of Public Works shall place and maintain painted lines or marks on the street or adjoining curb to designate the parking space(s) for which meter is to be used, and each vehicle parked within the parking space(s) served by such parking meter shall park within the lines or marks so established. It shall be unlawful to park any vehicle across any such line(s) or mark(s) or to park any vehicle in such a way that the same shall not be within the area so designated by the lines or marks. Lines or marks shall not be required for multi-space metered areas.

Section 24-319. Multi-Space Meters.

The Parking Authority may utilize parking meters covering more than one (1) space.

Section 24-320. Time limitations; Failure to Purchase Time or Confirm Purchase.

(a) No vehicle shall remain parked in a lawful, designated parking space longer than the maximum amount of time allowed for parking in such parking space, as indicated by appropriate markings of signs, printed receipts, or electronic messages, or as indicated by such parking meters. The provisions of this section shall apply during such hours and on such dates as established from time to time by the Parking Authority.

(b) It is unlawful to “feed the meter” or otherwise to attempt to avoid detection for parking longer than the maximum amount of parking time designated for that space.

(c) Failure to purchase parking time or failure to otherwise follow procedures required for confirming the purchase of time shall be considered a violation of this ordinance.

Section 24-321. Parking fees; depositing slugs; tampering.

(a) The fees for parking vehicles in the spaces adjacent to parking meters shall be established by the Parking Authority from time to time and shall be made available by the Parking Authority and regulations, and by a publicly-available Parking Authority internet site.

(b) The person driving a vehicle shall upon occupying a public parking space which payment is required immediately render the proper method of payment to such parking meter, and the parking space may then be used by such vehicle for a period of time not exceeding the limit indicated by the parking meter. If the vehicle shall remain parked within such parking space for a period of time longer than for which payment is made, such vehicle shall be considered as parking overtime; and either police officers of the city or parking citation officers of the Parking Authority shall issue in writing a notice to answer to the charge of overtime parking.

(c) It shall be unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic, magnetic, or electronic, substitute for any coin of the United States, or to otherwise use any card or other device in a parking meter in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter.

(d) It shall be unlawful for any person to deface, injure, tamper with, open or willfully break or destroy or impair the usefulness of any parking meter so installed.

Section 24-322. Proceeds from meter operation.

(a) It shall be the duty of employees designated by the Parking Authority to make collections of the money deposited in the parking meters or otherwise paid for parking privileges granted hereunder.

(b) It shall be the duty of such persons so designated to remove from the parking meters the currency deposited in such meters, and to otherwise collect proceeds, and to deliver such revenue to the Parking Authority as soon as practicable thereafter. It shall be the duty of the Parking Authority to count the funds and deposit such funds in the Parking Authority's accounts, keeping strict account thereof. Any and all such money deposited in such accounts shall be used exclusively by the Parking Authority for the following purposes:

- (1) For the purpose of rental, acquisition, establishment, erection, maintenance, replacement and operation of all parking meters, parking garages and lots, and other parking facilities provided by the Parking Authority, and for discharging the obligations placed upon the Parking Authority under this Ordinance.
- (2) For the purpose of making the parking system safe and effective.
- (3) For the expenses incurred by and through the Parking Authority in the regulation of vehicular parking and enforcement of these ordinances.
- (4) For providing downtown shuttle service.

(c) Any sums remaining after expenditures for the foregoing purposes shall be remitted to the general fund of the City of Chattanooga pursuant to Section 2.5 of the Charter of the City of Chattanooga.

Section 24-323. Temporary covering of meters authorized.

(a) Upon the authorization by the Parking Authority, bags shall be issued for the purpose of covering designated parking meters for specified periods during construction projects, lengthy loading and unloading by moving companies, and other planned activities which will of necessity require use of parking meter spaces in order to avoid impeding traffic flow on adjacent streets.

(b) Such bags shall be imprinted "Reserved Parking by Order of the Parking Authority - Tow Zone," or other such messages as may be required by the Parking Authority, and a fee to be established by the Parking Authority from time to time shall be paid per bag per day to the Parking Authority by the individual or entity requesting the bags.

(c) Notwithstanding the provisions of this section, the City of Chattanooga Police Department and the City Traffic Engineer shall also be empowered to cover parking meters with appropriate bags events such as festivals, parades, large funerals, emergencies, construction projects, and similar situations where the public safety and convenience require that the parking meter spaces be reserved.

(d) Any vehicle parked at a meter or other designated paid parking space, bagged or posted as restricted parking pursuant to this section may be immediately ticketed and/or towed. Any vehicle parked at a meter or other designated paid parking space that is bagged or posted as restricted parking subsequent to the vehicle being parked at the meter or other designated paid parking space may be towed four (4) hours after the bagging of the meter or posting of a notice restricted parking.

Section 24-324. Hours of Operation; Days of Operation; Rates for Parking Meters; and Designation of Streets Where Parking Meters May be Located.

The Parking Authority shall have the power to establish the hours and days of operation for parking meters; and the rates for purchase of parking privileges (subject to the maximum rate limitation in section 24-312 above). The days and hours of operation may be different for areas that require different treatment to provide for safe and orderly parking. All information regarding hours, rates, locations, and other requirements shall be published by the Parking Authority before such rules and regulations are enforceable. Such publication shall be in printed format and by publication on an internet site made available to the public by the Parking Authority.

Section 24-325. Enforcement of Parking Regulations.

It shall be the duty of the Parking Authority, through its parking citation officers, to enforce the provisions of this division. Before entering upon their duties, parking citation officer shall be nominated by the Parking Authority, approved by the Chief of Police authorized by the City Council, and take an oath of office. Members of the Chattanooga Police Department may also enforce the provisions of this ordinance.

Section 24-326. Penalties for Violation.

If any vehicle shall remain parked in any designated public parking space beyond the parking time limit set for such parking space, then such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this chapter. Any person violating this section shall pay within ten (10) days a civil penalty of Eleven Dollars (\$11.00) (including the tax required under T.C.A. § 16-18-305(b), which may be remitted to the Parking Authority by mail in an envelope furnished by the Parking Authority and placed on the vehicle, or such civil penalty may be remitted to the Parking Authority at its office or permitted via the Internet. If not paid within ten (10) days, but paid before the expiration of thirty (30) days, the civil penalty shall be an additional thirty-one dollars (\$31.00). If not paid within thirty (30) days, the civil penalty shall be a total of fifty dollars (\$50.00), together with lawful collection costs and applicable taxes and fees. Nothing herein shall preclude citing the violator to City Court or filing a complaint against the violator in any court of appropriate jurisdiction.

Sections 24-327 -- 24-328. Reserved.

SECTION 4. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the current Division 4 of Chapter 24 be renumbered to Division 6 and a new Division 4 be enacted to become operative effective October 1, 2012, as set forth below:

DIVISION 4. PARKING CITATION ENFORCEMENT AND REVIEW

Section 24-329. Title.

This Article may be cited as the “Chattanooga Parking Citation Enforcement Ordinance.”

Section 24-330. Establishment of hearing board.

There is hereby established the Chattanooga Parking Citation Enforcement Hearing Board; said board shall be composed of one (1) or more persons who shall serve a term of one (1) year and shall be appointed by a majority of the Board of the Parking Authority. Such person(s) shall not be a member of the Board or an employee of the Parking Authority.

Section 24-331. Alternative Procedures for Resolution of Parking Citation Disputes.

(a) The City of Chattanooga hereby elects to establish an alternative procedure for review of any disputes arising from parking violations for all citations issued by the Parking Authority, in order to facilitate a prompt and efficient method of addressing parking needs and enforcement disputes which might arise.

(b) The parking ordinances for the City of Chattanooga in those areas where enforcement authority is established in the Parking Authority shall be enforced as provided in this Division 4.

(c) Any person cited by the Parking Authority for a violation of Article X who believes that such citation has been issued in error shall have the right to contest the validity of the citation by submitting the issue for consideration by the Chattanooga Parking Citation Enforcement Hearing Board as established herein. A person desiring to challenge the validity of a parking citation shall advise the Parking Authority in writing of such person's decision to pursue this alternative within ten (10) days of issuance of the citation.

Section 24-332. Citation procedure.

(a) If any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances enacted by the City government or rules promulgated by the Parking Authority, the motor vehicle may be cited by the Parking Authority for the appropriate parking violation. The citing police officer or parking citation officer shall note the vehicle's registration number or VIN number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the motor vehicle a notice of the parking violation.

(b) "Parking ordinance" includes all provisions of Article X.

Section 24-333. Information to be included in notice of parking violation.

(a) The form of the notice of the parking violation shall be designated by the Parking Authority, but shall contain in substance the following information:

(1) A statement that the notice represents a determination that a parking violation has been committed by the owner or operator of the vehicle and that the determination shall be final unless contested as provided herein;

(2) A statement that a parking violation may result in impoundment or immobilization of the vehicle for which the owner may be liable for a fine and towing, handling and storage charges or fees;

(3) A statement of the specific parking violation for which the citation was issued;

(4) A statement of the monetary civil penalty established for the parking violation; and,

(5) A statement of the options provided herein for responding to the notice and the procedures necessary to exercise these options.

(b) The notice of parking violation represents a determination that a parking violation has been committed, and such determination shall be final unless contested as provided herein.

Section 24-334. Responsibilities of person who receives notice; liability of vehicle owner.

(a) Any person who receives notice of a parking violation shall respond to such notice as provided in this section within ten (10) days of the date of the notice, by either paying the civil penalty set forth in the notice, or requesting a hearing pursuant to these procedures before the Chattanooga Parking Citation Enforcement Hearing Board.

(b) If the owner of a vehicle cited for a parking violation has not responded to the notice within ten (10) days as provided in this section, the violator shall be subject to the additional penalties as established in Section 24-326.

(c) The registered owner of a vehicle at the time the violation occurred shall be liable for all civil penalties which he has refused to pay.

Section 24-335. Hearing.

(a) Except as otherwise set forth in sections 24-337 and 24-338 below regarding impoundment of vehicles, any person cited by the Parking Authority for a parking violation may contest the determination that a violation occurred by requesting in writing a hearing before the Chattanooga Parking Citation Enforcement Hearing Board. Such hearing shall be held no later than thirty (30) days from the date of receipt of the request, unless prior to the hearing the person requesting such a hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the Chattanooga Parking Citation Enforcement Hearing Board shall notify the registered owner of the vehicle of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

(b) The Chattanooga Parking Citation Enforcement Hearing Board may consider the parking citation and any other written report by the police officer or parking citation officer who issued the citation in lieu of the police officer's or parking citation officer's personal appearance at the hearing.

(c) At the hearing, after consideration of the evidence, the Chattanooga Parking Citation Enforcement Hearing Board shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the Chattanooga Parking Citation Enforcement Hearing Board shall uphold the citation and order the owner to pay the citation within seven (7) days. A copy of such order shall be issued to the owner. Any person ordered to pay the civil penalty who fails to do so within seven (7) days shall be deemed to have refused to pay the civil penalty levied by the citation, and shall also be liable for the payment of the additional civil penalties set forth in 24-326.

Section 24-336. City Court Adjudication.

Any person not satisfied with the alternate procedures provided herein or the decision of the Chattanooga Parking Citation Enforcement Hearing Board may by written request provided to the Parking Authority within ten (10) days of the Board's decision require that their citation be referred to the Chattanooga City Court for adjudication.

Section 24-337. Immobilization and Impoundment of vehicles.

(a) If a vehicle has a record of three (3) or more currently outstanding delinquent parking citations which have been outstanding for more than sixty (60) days and are not under appeal, and if the Parking Authority is in compliance with the procedural requirements of this section, the Parking Authority may immobilize or impound a motor vehicle parked, stopped or standing upon a street or public way within areas where the Parking Authority has been granted enforcement authority. Such power is in addition to the authority granted pursuant to section 24-303 to remove and impound vehicles declared to be a public nuisance.

(b) The Parking Authority may only undertake the immobilization or impoundment of a motor vehicle upon satisfaction of all of the following conditions precedent:

(i) At least three (3) citations for parking violations must be outstanding and must be delinquent for more than sixty (60) days with respect to the vehicle for which immobilization or impoundment is imposed;

(ii) The Parking Authority shall have delivered written notice to the owner of such vehicle at the last indicated address in records maintained by appropriate state authorities, or by notification of proposed impoundment in a letter placed on the windshield of the car proposed for immobilization or impoundment;

(iii) At least ten (10) days have passed since the notification by the Parking Authority under subparagraph (ii) above;

(iv) The owner of a vehicle proposed for impoundment or immobilization has not advised the Parking Authority in writing the owner's belief that impoundment is unwarranted, and,

(v) The owner has not requested a hearing to challenge the validity of the impoundment under the provisions of Section 24-338 below.

(c) The Parking Authority, in addition to the civil penalties levied for parking or traffic offenses, may impose reasonable towing, handling and storage charges upon the owner of such impounded vehicle.

(d) The Parking Authority may condition the release of an immobilization or impounded vehicle upon the payment of all outstanding fines and late fees levied for parking or traffic offenses and the immobilization, towing, handling and storage charges imposed thereon, unless the owner or other person entitled to possession challenges the validity of the

impoundment pursuant to section 24-338 below or in a court of competent jurisdiction. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The Parking Authority may require reasonable security, bond or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

(e) For purposes of this section 24-339, "impoundment" shall mean either removal to a secure location or immobilization of the vehicle at the site of the violation by a device attached to the vehicle.

Section 24-338. Hearing to challenge validity of impoundment.

(a) The owner of a motor vehicle which has been impounded for parking violations pursuant to this chapter, or other person entitled to possession, may challenge the validity of such impoundment and request in writing a hearing before the Chattanooga Parking Citation Enforcement Hearing Board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the Parking Authority shows good cause for such delay. The Parking Authority shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the civil penalties and fees accrued as of the date of the hearing request. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy-two (72) hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(b) No less than five (5) days prior to the date set for the hearing, the Parking Authority shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within seventy-two (72) hours of the date of the request as provided in this section, the person requesting the hearing shall be informed at the time of his request, or as soon thereafter as practicable, of the date, time and place of the hearing.

(c) Any person who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf the validity of the impoundment.

(d) At the hearing, after consideration of the evidence, the Chattanooga Parking Citation Enforcement Hearing Board shall determine whether the impoundment was valid and reasonable. Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. Where it has been established that the impoundment was justified, the board shall uphold the impoundment and condition the release of the vehicle upon payment of all civil penalties and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to the Parking Authority. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the Parking Authority. The Chattanooga Parking Citation Enforcement Hearing Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(e) The Chattanooga Parking Citation Enforcement Hearing Board may consider a parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

Section 24-339. Appeal of impoundment determination.

An appeal from the Chattanooga Parking Citation Enforcement Hearing Board's determination may be made to a court of competent jurisdiction as provided by law. If the court finds that the impoundment was not justified, the Parking Authority shall release the vehicle, and if applicable, return all civil penalties and fees paid as a result of the impoundment.

Section 24-340. Unclaimed vehicles to be deemed abandoned.

If within three (3) business days of impoundment a motor vehicle impounded by the Parking Authority has not been claimed, or a hearing has not been requested pursuant to these procedures, the vehicle shall be deemed to have been abandoned and the procedures of T.C.A. 55-16-105 shall be followed.

Sections 24-341 -- 24-349. Reserved.

SECTION 5. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Article XIV, Section 24-505 be amended by deleting the existing version and restating Section 24-505 to become operative effective October 1, 2012, as follows:

Sec. 24-505. Schedule V. Parking Meter Zones and Parking Area Maps.

(a) In accordance with the provisions of section 24-317 of this Code, the following areas are hereby designated as parking meter zones, and the Parking Authority may place parking meters from time to time on such streets in such areas.

Airport Parking Lot, at such points or places as designated by the traffic engineer within the confines of the parking area at the municipal airport of the city as presently exists and as said area may be from time to time enlarged.

Broad Street, from the Tennessee River to Wauhatchie Pike.

Carter Street, from Ninth Street to Main Street.

Cherry Street, from Fourth Street to Ninth Street.

Chestnut Street, from Eleventh Street to Main Street. (Ord. No. 7101, § 4, 10-26-76)

Chestnut Street, from the Tennessee River to Ninth Street. (Ord. No. 7101, §§ 3, 4, 10-26-76)

Columbia Street, from Tenth Street to Eleventh Street.

Cowart Street, from Market Street to Thirteenth Street. (Ord. No. 8388, § 1, 11-27-84)

Custom Street, from Columbia Street to Lindsay Street.

Dodds Avenue, from McCallie Avenue to East Twenty-Third Street.

Douglas Street, from Fifth Street to McCallie Avenue. (Ord. No. 12027, §2, 10-16-07)

Eighth Street, from Georgia Avenue to Houston Street.

Eleventh Street, from Carter Street to Central Avenue. (Ord. No. 7101, § 3, 4, 10-26-76)

Fifth Street East, from Douglas Street to Palmetto Street. (Ord. No. 12027, §1, 10-16-07)

Fifth Street East, from Georgia Avenue to Lindsay Street.

Forest Avenue, from the north right-of-way of Frazier Avenue to the line identified by the south boundary of the lot located at 108 Forest Avenue.

Fourteenth Street East, from Market Street to Rossville Street.

Frazier Avenue, from its intersection with the eastern right-of-way of Market Street to the western right-of-way of Fehn Street.

Gateway Avenue, from Interstate Highway 124 to Ninth Street. (Ord. No. 6052, § 1, 5-20-69)

Georgia Avenue, from Fourth Street to Market Street.

High Street, from Fourth Street to Georgia Avenue.

Houston Street, from Lindsay Street to Fifth Street. (Ord. No. 7846, § 3, 5-26-81; Ord. No. 7997, § 1, 5-25-82)

Lindsay Street, from Houston Street to Fourth Street. (Ord. No. 7997, § 1, 5-25-82)

Lookout Street, from Georgia Avenue to Fourth Street.

McCallie Avenue, from Georgia Avenue to Central Avenue.

Mabel Street, from Fourth Street to Fifth Street. (Ord. No. 8047, § 1, 9-28-82)

Main Street, Carter Street to Dodds Avenue.

Market Street, from the Tennessee River to East Twenty-Third Street.

M. L. King Boulevard, from Broad Street to Georgia Avenue, to allow meters at the new Broad Street and M. L. King Boulevard streetscape. (Ord. No. 11167, § 2, 8-21-01)

M. L. King Boulevard, from Georgia Avenue to Central Avenue. (Ord. No. 6052, § 1, 5-20-69)

Newby Street, from Tenth Street to Market Street.

Oak Street, from Georgia Avenue to Douglas Street. (Ord. No. 6052, § 1, 5-20-69; Ord. No. 12027, §2, 10-16-07)

Patten Parkway, from Georgia Avenue to Lindsay Street.

Pine Street, from Second Street to Ninth Street.

River Street, from the western right-of-way of Fehn Street to the eastern right-of-way of Market Street/Market Street bridge.

Riverside Drive/Riverfront Parkway, from the north right-of-way line of South River Street to the north right-of-way line of East 2nd Street.

Rossville Avenue, from Wilhoit Street to Central Avenue.

Rossville Boulevard, from Central Avenue to the Tennessee-Georgia state line.

Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Streets, from Pine Street to Georgia Avenue.

Sixth Street, from Pine Street to Interstate Highway 124. (Ord. No. 6052, § 1, 5-20-69)

Tampa Street, from the north right-of-way of River Street to the south right-of-way of Frazier Avenue.

Tenth Street, from Central Avenue to Carter Street. (Ord. No. 7101, § 4, 10-26-76)

Thirteenth Street West, from Cowart Street to Carter Street, to allow meters at the new streetscape around The Chattanooga. (Ord. No. 11167, § 2, 8-21-01)

Thirteenth Street West, from Market Street to Cowart Street.

Twelfth Street, from Market Street to Chestnut Street, to allow meters at the new streetscape around The Chattanooga. (Ord. No. 11167, § 2, 8-21-01)

Vine Street, from Georgia Avenue to Palmetto Street. (Ord. No. 6052, § 1, 5-20-69; Ord. No. 12027, §2, 10-16-07)

Walnut Street, from Fourth Street to Georgia Avenue.

Woodland Avenue, from the north right-of-way of Frazier Avenue to the line identified by the south boundary of the lot located at 118 Woodland Avenue.

(Code 1986, § 24-505; Ord. No. 11167, § 1, 8-21-01)

(b) In addition to those streets specifically designated in the foregoing section (a), the Parking Authority shall have the right, after approval of the City Traffic Engineer, to expand the installation and operation of parking meters into any streets located within the borders of the area delineated on the map included within this subsection (b). Any streets, or sections of streets, which are from time to time added by the Parking Authority and approved by the City Traffic Engineer as parking meter zones, in addition to those streets separately listed in subsection (a) above, shall be published by the Parking Authority and made available in printed copy and on a publically-available internet site. (This map shall be available for review in the City Council office and/or the Parking Authority website, but shall not be codified.)

SECTION 6. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the current Division 6 of Chapter 24 be renumbered to Division 8 regarding “neighborhood parking,” and to provide that the Parking Authority may enforce those parking provisions.

SECTION 7. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Article II, Division 5 of Chapter 24, Sections 24-131 through 24-138 be repealed.

SECTION 8. BE IT FURTHER ORDAINED, That the remaining provisions of this Chapter may be renumbered as necessary and deemed desirable by the codifier of this Code.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks from and after its passage as provided by law but that Sections 1, 2, 3 and 4 shall not become operative until October 1, 2012. Any existing City Code provisions not explicitly repealed shall remain in full force and effect until October 1, 2012.

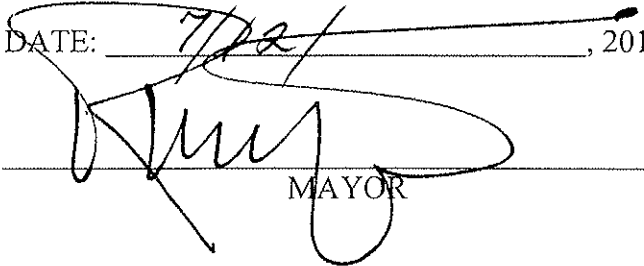
PASSED on Second and Final Reading

July 10, 2012.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 7/10, 2012


MAYOR

MAM/mms