

# Ord. # 5555

**AN ORDINANCE TO AMEND CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC – ARTICLE III OPERATION OF MOTOR VEHICLES GENERALLY. SECTION 21-123. PROCEDURE UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE TO MIRROR THE UPDATED TENN. CODE ANN § 55-8-132, OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES TO CLARIFY THAT EXTRA CAUTION AROUND SOLID WASTE VEHICLES IS INCLUDED WITHIN THE REQUIREMENTS**

**WHEREAS**, the Memphis City Council desires to keep city ordinances updated and current to help protect the health and safety of the citizens and employees of the City of Memphis; and

**WHEREAS**, our current ordinance relative to “Procedure upon approach of authorized emergency vehicles” should be updated to reflect the similar provisions in state law, Tenn. Code Ann § 55-8-132; and

**WHEREAS**, solid waste collection employees have the fifth (5<sup>th</sup>) highest fatality rate in the United States; and the City of Memphis shall clarify in this ordinances that solid waste collection vehicles are included in the definition of a utility vehicle and that extra caution should be taken around solid waste collection vehicles.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current of Chapter 21 – Motor Vehicles and Traffic – Section 21-123. Procedure Upon Approach of Authorized Emergency Vehicle, of the Code of Ordinances, City of Memphis, is hereby deleted and substituted by the following section:

**Section 21-123. Operation of vehicles and streetcars on approach of authorized emergency vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only:

(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer; and

(2) Upon the approach of an authorized emergency vehicle, as stated above, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) Upon approaching a stationary authorized emergency vehicle, when the vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, highway maintenance vehicle, or utility service vehicle, when the vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle, highway maintenance vehicle, or utility service vehicle if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) For the purpose of this section unless the context otherwise requires:

(1) "Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:

(A) Owned or operated by the department of transportation, a county, a municipality or other political subdivision of this state; or,

(B) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state;

(2) "Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles; and

(3) "Utility" means any person, municipality, county, metropolitan government, electric cooperative, telephone cooperative, board, commission, district or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, **solid waste collection services**, telephone services, or any combination thereof, for sale to consumers in any particular service area.

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

THE FOREGOING ORDINANCE  
# 555 PASSED  
1st Reading 6-17-2014  
2nd Reading 7-1-14  
3rd Reading \_\_\_\_\_

Approved \_\_\_\_\_  
Chairman of Council

Date Signed: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor, City of Memphis

Date Signed: \_\_\_\_\_

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

\_\_\_\_\_  
Comptroller

Council Member  
Edmund Ford, Jr.

JIM STRICKLAND  
Council Chairman