

RESOLUTION NO. 12-04-005

SPONSORED BY COMMISSIONERS SCOTT HELTON AND JEROME MOON

RESOLUTION TO IMPLEMENT PROCESS FOR THE COUNTY LEGISLATIVE BODY TO PROHIBIT PARKING ON ROADWAYS UNDER THE JURISDICTION OF BLOUNT COUNTY, OUTSIDE THE LIMITS OF MUNICIPALITIES, AND OTHER THAN A FEDERAL AID OR STATE HIGHWAY, WHEN SUCH PARKING IS DANGEROUS TO THOSE USING THE HIGHWAY OR INTERFERES WITH THE FREE MOVEMENT OF TRAFFIC.

WHEREAS, parking along and on the traveled way of the County's roads and streets can jeopardize the safety of Blount County citizens, both motorists and pedestrians; and

WHEREAS, the Blount County Legislative Body, desires to provide for the safest roads possible for its citizens and the motoring public; and

WHEREAS, it is generally permissible by law to park on and along roads and streets to provide for ordinary and common access to abutting residential property, circumstances arise occasionally where such parking on roads and streets create conditions dangerous to the safety of citizens, interfere with the free and efficient movement of traffic, or impose inconveniences on the public at large which may be remedied by the imposition of no-parking restrictions at specific locations along roads and streets; and

WHEREAS, Tennessee Code Annotated § 55-8-161 (d), provides that " a county may, by resolution of the county legislative body, prohibit parking on any road way under its jurisdiction other than a federal or state highway when such parking is dangerous to those using the highway or interferes with the free movement of traffic..."; and

WHEREAS, the Blount County Legislative Body desires to create a mechanism by which no-parking zones may be imposed on roads and streets under Blount County's jurisdiction, upon recommendation of the Blount County Sheriff's Department and the Blount County Highway Department, after requests are received from any emergency response agency, or other County agency, or by petition from a group of citizens; and

WHEREAS, this Resolution includes the herein attached "EXHIBIT A" which lists the process and specific procedures to be followed to provide for requests from citizens for the establishment of no-parking zones, said "EXHIBIT A" including all requirements, instructions, and any fees pertaining to petitioning Blount County for the establishment of said no-parking zones and said "EXHIBIT A" being included as a part of this Resolution.

NOW THEREFORE, BE IT RESOLVED that on this day April 19, 2012, meeting in regular session, the Blount County Legislative Body hereby adopts this Resolution and "EXHIBIT A" attached hereto as the process to be followed for the County Legislative Body to prohibit parking on certain roadways pursuant to T.C.A. §55-8-161(a), the tenets hereof to become effective not later than July 1, 2012, the Public Welfare requiring it.

Duly authorized and approved the 19th day of April, 2012.

CERTIFICATION OF ACTION:

ATTEST:

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

EXHIBIT "A"

Exhibit to Resolution to provide for no parking along and on Blount County roads.

Purpose:

Regarding the parking of vehicles along Blount County roads and streets, at present there is little to no prohibition of on street parking along Blount County roads and streets except at the scenes of emergencies or mishaps, immediately adjacent to fire hydrants, near some intersections, and at some specific locations where such parking has been prohibited by request of residents. Recently, however, an increase in the requests for "no-parking zones" throughout the County having been observed, the local practice of designations of "no-parking zones," the marking of such zones, and the enforcement of parking restrictions by local law enforcement is now under review. It is the concern of the Blount County Legislative Body that the safety of the traveled roadways of Blount County is protected with regard to parking along and on its roadways.

Authority and Scope of possible action:

Tennessee Code Annotated § 55-8-161 (d), provides that ... A county may, by resolution of the county legislative body, prohibit parking on any roadway under its jurisdiction other than a federal or state highway when such parking is dangerous to those using the highway or interferes with the free movement of traffic....However, the effect of any action by the Blount County Legislative Body will be limited to those roads and streets that are maintained by Blount County, or more specifically, those roads and streets the names of which appear on the current "Official Roads List for Blount County" of record in the Offices of the County Clerk . State and federally maintained roads, streets of the various incorporated cities, and private roads shall fall outside the jurisdiction of Blount County as regarding any resolution of its Legislative Body concerning the prohibition of parking on and along roads and streets.

Application:

It is the intent of the Blount County Legislative Body to adopt by resolution a mechanism by which "no-parking zones" may be established on Blount County roads and streets where appropriate for specific purposes, under prescribed guidelines, with prudent review, and consistent with the general safety and well-being of Blount County's citizens and motorists. A process shall be provided both to emergency response and related agencies and to citizen groups to request the establishment of "no-parking zones" along Blount County roads and streets.

Request:

As pertaining to the establishment of a "no-parking zone" on a Blount County road or street, any emergency response or other related agency or any agency of Blount County Government may

request the establishment of such “no-parking zone” that it deems vital for the safety and welfare of the public by submitting such request in writing to the Blount County Sheriff’s Department, making its case for its request.

Petition:

Citizens may request consideration of imposing parking restriction or prohibition on a segment of road under the jurisdiction of Blount County by submitting a petition so requesting said restriction or prohibition signed by a minimum of 65% of the residents living along and served by said segment of roadway, except that the locations of the beginning point and the ending point of the said segment shall be subject to final determination by the reviewing agency. (To preclude the establishment of “spot” no-parking zones which could prove to be nuisances to sign and maintain and possibly detrimental to the satisfactory overall flow of traffic.)

A standard form for the petition shall be created for the specific request for no-parking zones and said form shall be available at the Office of the County Clerk. A non-refundable fee of \$75.00 (Seventy-five dollars) shall be imposed for each petition, to be collected by the County Clerk with the submission of the completed petition. A 5% portion of the fee collected shall be retained by the County Clerk for processing the petition and collecting the fee. The remaining portion is to be forwarded to the Blount County Highway Department to defray the costs of the review process and to pay for a portion of the costs of the installation of required “No Parking” signs.

Process:

Critical path for petition

- Citizens may acquire a petition form regarding the request for no parking zones from the County Clerk or the form may downloaded from County’s website.
- The petition form shall be completed furnishing all required information. Questions regarding completion of the petition form shall be addressed to the Blount County Highway Department or to the Blount County Sheriff’s Department.
- After completion of the form, the petition shall be submitted to the office of the County Clerk and payment of the \$75 fee shall be remitted to the County Clerk.
- The County Clerk, then, shall notify the Blount County Highway Department and the Blount County Sheriff’s Department of receipt of the petition by forwarding a copy of the completed form to the Highway Department and to the Sheriff’s Department.
- Those departments shall have 60 days from the receipt of the petition to consider it for possible action and to respond to the petitioner with the results of their review. In the event the decision of the review is contrary to the petitioned request, the petitioner(s) may appeal the decision to the County Commission at a regular meeting.

Review:

On receipt of the copy of the submitted petition, the Highway Department and Sheriff’s

Department staff shall conduct a review by a process to be determined, considering the merits of the request, the needs of the County, and the impacts of any action contemplated in response to the request. A written response to the petition shall be prepared stating the action recommended and, if the request is denied, the reason or grounds for the denial. Copies of the response shall be forwarded to the contact person listed on the petition and to the County Clerk.

An estimate of the costs of installing the required signage shall be prepared incidental to the review of the petition.

Commission Approval:

Upon completion of the review process and completion of the written response described above, the matter shall be placed back on the agenda of Blount County Legislative Body for whatever action the Body feels is appropriate. If action is taken by the County Commission to prohibit parking in certain areas the required signage and markings shall be installed by the Blount County Highway Department.

Penalties:

The penalties for violation of any ordinance approved by the County Commission designated "No Parking" areas shall be the penalties as provided for in T.C.A. §55-8-161 and T.C.A. §55-8-103.