

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC,
CHAPTER 11-28 – PEDESTRIANS – OF THE CODE OF ORDINANCES OF
MEMPHIS, TENNESSEE**

WHEREAS, it is in the best interest of the City of Memphis to encourage and promote the safety of pedestrians within the boundaries of our City; and

WHEREAS, the Memphis City Council strives to keep our laws current and relevant to best serve our citizens and to be in accord with the laws contained within the Tennessee Code Annotated.

NOW, THEREFORE,

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MEMPHIS,**

That Title 11 – Vehicles and Traffic, Chapter 11-28, Pedestrians, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 11-28-1 – Applicability.

- A. Pedestrians shall be subject to traffic-control signals at intersections as provided for in this title, and at all other places pedestrians shall be accorded the privileges, and shall be subject to restrictions as hereinafter stated.
- B. Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 11-28-2 – Use of crosswalks generally.

Whenever there is a marked crosswalk, all pedestrians crossing in such crosswalk shall stay within the markings or lines, and whenever practicable such pedestrian shall walk on the right half of the crosswalk.

Sec. 11-28-3 – Right-of way in crosswalks.

- A. When traffic-signals are not in place or not in operation, the driver of the vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the

- half of the roadway within a crosswalk upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.
 - C. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Sec. 11-28-4 – Crossing at other than crosswalks.

- A. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- B. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- C. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

Sec. 11-28-5 – Walking on roadways.

- A. Except as provided in this section, where sidewalks are provided, it is unlawful for any pedestrian to walk or use a wheelchair along and upon an adjacent roadway.
- B. Where sidewalks are not provided or are obstructed, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.
- C. Where sidewalks are not provided, are obstructed or are not wheelchair accessible, any person using a wheelchair along and upon a highway shall, when practicable, use the wheelchair on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction; provided, that a person using a wheelchair along and upon a highway may use the wheelchair on the right side of the roadway or its shoulder if it is convenient or reasonably necessary for travel by the person.

Sec. 11-28-6 – Pedestrians soliciting rides or business.

- A. No person shall stand in a roadway for the purpose of soliciting a ride or employment from the occupant of any vehicle.
- B. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 11-28-7 – Pedestrian responsibilities.

- A. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and/or visual signals or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.
- B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor from the duty to exercise due care to avoid colliding with any pedestrian.
- C. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- D. No person shall cross any street within ten feet of the front of any vehicle which has stopped momentarily to load or discharge passengers, except in compliance with the direction of a police officer or a traffic signal.
- E. It is unlawful for a pedestrian who is under the influence of alcohol or any drug to a degree which renders oneself a hazard to walk or be upon a street except on a sidewalk.

Sec. 11-28-8 – Pedestrian right-of-way on sidewalks.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk that extends across any alley, building entrance, road or driveway.

Sec. 11-28-9 – Pedestrians using white canes or sticks.

- A. It is unlawful for any person except persons wholly or partially blind to carry or use on the public streets any canes or walking sticks which are white in color with a red end.
- B. Whenever any pedestrian guided by a service animal or carrying any cane or walking stick white in color with a red end undertakes to cross any public street or thoroughfare, it is the duty of all drivers of any vehicles to immediately come to a full stop and yield the right-of-way to said person.

Sec. 11-28-10 – Penalty.

Violations of this chapter shall be prosecuted in the same manner as prescribed in Chapter 11-8 – Administration and Enforcement.

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 are held unconstitutional or void, the remained 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.

SHEA FLINN
Memphis City Council

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller