

Substitute Ordinance No. 5850

Ordinance to Amend the City of Memphis Code of Ordinances, Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, to Require the Division of Police Services to Use Only Appropriately Marked Law Enforcement Vehicles to Conduct Traffic Stops

WHEREAS, the Memphis City Council desires to reform practices of the City of Memphis Division of Police Services that may jeopardize the safety of the citizens of Memphis; and

WHEREAS, the City of Memphis is granted authority to the running of automobiles within its corporate limits, under Tenn. Code Ann. § 55-8-101 and Sections 68 and 77 of the City's Home Rule Charter, which vests the legislative council or body of the City of Memphis with police powers to regulate the use of its streets, alleys, thoroughfares, rights-of-way and public places for the protection of the health, safety and welfare of its citizens; and

WHEREAS, the Council desires to amend the current City of Memphis Code of Ordinances relating to the division of police services general duties and powers of enforcement of street traffic laws of the city and all state motor vehicle laws applicable to street traffic in the city.

NOW, THEREFORE BE IT ORDAINED by the Memphis City Council that

Section 1. Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, Section 11-4-1, is amended by adding the following:

Sec. 11-4-1. Definitions.

“Marked law enforcement vehicle” means a law enforcement vehicle equipped with: (A) At least one (1) light bar assembly designed to display more than one (1) steady burning, flashing, or revolving beam of light with three hundred sixty degrees (360) visibility; (B) A horn, siren, electronic device, or exhaust whistle from which audible signals may sound; and (C) Graphics, markings, or decals clearly identifying MPD on at least three (3) of the following four (4) sides: (i) Front; (ii) Rear; (iii) Left side; or (iv) Right side.

“Exigent circumstances” means circumstances that would cause a reasonable person to believe that prompt action was necessary to prevent imminent danger to life or serious property damage.

Section 2. Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, Section 11-4-3, is amended by adding the following:

Sec. 11-4-3. Establishment, control and general duties of traffic division of police division.

There is established in the police division of the city a traffic division to be under the control of an officer of police directly responsible to the director of police. It shall be the primary duty of the traffic division with such aid as may be rendered by other member of the police division, to enforce the street regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations causing or contribution to such accidents, to cooperate with the director of public works and other officials of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon such division

by this title and other traffic ordinances of the city. Officers may only use a marked law enforcement vehicle to stop traffic violators absent exigent circumstances.

Section 3. Chapter 21, Motor Traffic and Vehicles, Article 4, General Provisions and Definitions, Section 11-4-5, is amended by adding the following:

Sec. 11-4-5. Duty of police to enforce traffic laws.

It shall be the duty of the officers of the police division of the city, or such persons as are assigned by the director of police to enforce all street traffic laws of this city and all the state motor vehicle laws applicable to street traffic in the city. Officers may only use a marked law enforcement vehicle to stop traffic violators absent exigent circumstances.

Section 4. Severability. 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 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR

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