

SUBSTITUTE ORDINANCE NO. 5849

AN ORDINANCE TO AMEND CITY OF MEMPHIS CODE OF ORDINANCES VEHICLES AND TRAFFIC CODE TO CLARIFY APPROPRIATE METHODS OF ENFORCEMENT OF TRAFFIC VIOLATIONS

WHEREAS, the Memphis City Council recognizes the need to establish the appropriate methods and circumstances of enforcement of traffic violations to provide for the fair and transparent administration and enforcement of traffic violations, prevent racial disparities, and protect public safety, and making certain technical changes, all under certain terms and conditions; and

WHEREAS, the Memphis City Council seeks to clarify appropriate methods of enforcement of traffic violations by the Memphis Police Department to further the just, equitable and fair enforcement of the law for all people, to provide for the fair and transparent administration of the vehicles and traffic code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values; and

WHEREAS, the Title 11 of the Memphis Code of Ordinances for Vehicles and Traffic, establishes Chapter 11-4, General Provisions and Definitions, and Chapter 11-8, Administration and Enforcement, including the provisions of T.C.A. §§ 7-63-101 through 7-63-107 are adopted and the adoption of T.C.A. § 7-63-101 et seq., applies to violations of any traffic or other ordinances, laws and regulations of the City of Memphis as provided in such code provision.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of the Memphis Code of Ordinances relative to the Division of Police Services vehicles and traffic be hereby amended to add a new Section 11-8-12-Achieving Driving Equality, Compliance with the City of Memphis Vehicles and Traffic Code to read as follows:

TITLE 11, Chapter 11-8, Administration and Enforcement, Section 12-Achieving Driving Equality, Compliance and Enforcement of the City of Memphis Vehicles and Traffic Code

In this Chapter the following definitions apply:

- (1) Primary Violation. A violation of the City of Memphis Vehicles and Traffic Codes observed within the City of Memphis, that does not constitute a secondary violation.
- (2) Secondary Violation. Violations of the following of the City of Memphis Vehicles and Traffic Codes, and such other violations as are identified by the Police Department by regulation.
 - (a) Registration of Vehicles, when the vehicle had been previously registered within the City of Memphis within sixty days of the observed infraction.

- (b) Where the violation is only related to the location of the Temporary Registration Permit, but the permit is otherwise clearly displayed in the rear window; and
 - (c) Where the violation only pertains to a Registration Plate, not securely fastened to the vehicle, but such plate is otherwise clearly displayed; and
 - (d) Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light; and
 - (e) Loosely Secured Bumpers or missing bumpers.
- A. Compliance with the City of Memphis Vehicles and Traffic Code. So long as such conduct is prohibited by the City of Memphis Vehicles and Traffic Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicles and Traffic Code.
 - B. Enforcement of Primary Violations. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation observed within the City of Memphis without observing any other City of Memphis Vehicles and Traffic Code violation.
 - C. Enforcement of Secondary Violations. To the full extent of Council's legislative authority, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation observed within the City of Memphis only where there is a simultaneously observed primary violation for which an officer, at their discretion, could issue a citation.

SECTIIION 2: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS 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 from and after the date it shall have been passed by the Council, signed by the Chairperson 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.

SPONSOR(S):

Michalyn Easter-Thomas
Rhonda Logan

CHAIRMAN:

Martavius Jones