

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
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CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Vehicles to be licensed.
15-102. Traffic on College Street.
15-103. Compliance with financial responsibility law required.

15-101. Vehicles to be licensed. It shall be unlawful for any person to operate any type of motor vehicle, including but not limited to vehicles commonly referred to as 3-wheelers or 4-wheelers upon the streets of the City of Medina, if said vehicles are not licensed by the State of Tennessee.

Any person found guilty of violating this section shall be subject to a fine of no less than ten dollars (\$10.00), and no more than twenty-five dollars (\$25.00). (Ord. #86-01, April 1986)

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-102. Traffic on College Street. (1) No through traffic shall be allowed on College Street in the City of Medina from 8:00 o'clock A.M. to 3:00 o'clock P.M., from Monday through Friday.

(2) Anyone found guilty under this section shall be fined \$15.00. (Ord. # ____, Sept. 1977)

15-103. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of title 15 of the Medina Municipal Code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued.

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is

satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #02-06, April 2002)

CHAPTER 2

REGISTRATION¹

SECTION

15-201. Registration required.

15-202. Tags.

15-203. Prorated fees.

15-204. Violations.

15-201. Registration required. All resident owners or operators of motor vehicles shall be required to register such vehicle with the Medina City Recorder annually on or before the thirty-first day of January or within 30 (thirty) days of establishing residence within the City of Medina, whichever is sooner. Said registration shall be accompanied by a license fee of fifteen dollars (\$15.00) for such motor vehicles. Any registration purchased after the due date shall be assessed an additional five dollar (\$5.00) late charge. (Ord. #02-04, March 2002, as replaced by Ord. #05-09, Dec. 2005, and Ord. #16-01, April 2016)

15-202. Tags. Upon payment of the applicable license fee by the vehicle owner or operator, the Medina City Recorder shall issue a serially numbered tag or sticker which the owner or operator shall firmly attach to the metal state license plate issued for his or her vehicle so that it may be readily observed from the outside of the vehicle. (Ord. #02-04, March 2002, as replaced by Ord. #05-09, Dec. 2005, and Ord. #16-01, April 2016)

15-203. Prorated fees. For persons residing in Medina for a portion of a license year, the license fee shall be pro-rated according to the following schedule:

<u>MONTHS OF RESIDENCY</u>	<u>LICENSE FEE</u>
January–June	\$15.00
July–October	\$10.00
November–December	\$5.00

(Ord. #02-04, March 2002, as replaced by Ord. #05-09, Dec. 2005, and Ord. #16-01, April 2016)

¹Municipal code reference

Junked vehicles: title 13, chapter 3.

15-204. Violations. A violation of any provision of this ordinance shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (Ord. #02-04, March 2002, as replaced by Ord. #05-09, Dec. 2005, and Ord. #16-01, April 2016)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-301. In general. It shall be unlawful for any person to operate any motorized vehicle in excess of the posted speeds within the corporate limits of the City of Medina, Tennessee.

Anyone found guilty of violation of this section shall be punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), for each such offense. (Ord. #93-06, ___)

CHAPTER 4

PARKING

SECTION

15-401. Prohibited parking.

15-402. Responsibility of owner for parking.

15-403. Towing of illegal parked vehicle, conveyance, boat, all-terrain vehicle, or moving pod.

15-401. Prohibited parking. (1) No person shall park any vehicle, conveyance, boat, all-terrain vehicle, or moving pod on the municipal streets in the residentially-zoned areas of the City of Medina, as indicated in the city zoning map, which is available in the city recorder's office.

(2) **Exceptions.** The provisions of § 15-401(1) shall not apply to vehicles, conveyances, or moving pods parked on municipal streets for the purpose of loading or unloading activities associated with moving or delivering household furniture, appliances, equipment, and similar objects, provided that such parking does not exceed twenty-four (24) hours.

(3) **Violation.** The willful violation of this section shall result in a fine of twenty dollars (\$20.00) for each offense. (Ord. #01-08, Dec. 2001, as replaced by Ord. #09-10, Oct. 2009, Ord. #10-02, March 2010, and Ord. #14-07, Nov. 2014)

15-402. Responsibility of owner for parking. If any vehicle, conveyance, boat, all-terrain vehicle, or moving pod is found upon a street in violation of any provision of this chapter and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. (Ord. #01-08, Dec. 2001, as replaced by Ord. #14-07, Nov. 2014)

15-403. Towing of illegally parked vehicle, conveyance, boat, all-terrain vehicle, or moving pod. If a vehicle, conveyance, boat, all-terrain vehicle, or moving pod remains illegally parked pursuant to § 15-401 for longer than forty-eight (48) hours following the ticketing of said vehicle pursuant to this chapter or a warning by the officer that such vehicle is illegally parked pursuant to this chapter, an officer of the City of Medina is authorized to arrange for the towing of said vehicle, conveyance, boat, all-terrain vehicle, or moving pod. At the time of the ticketing or warning by the officer, a notification will be placed on said vehicle, conveyance, boat, all-terrain vehicle, or moving pod and/or provided to the residence where the vehicle, conveyance, boat, all-terrain vehicle, or moving pod is illegally parked that the owner of the vehicle, conveyance, boat, all-terrain vehicle, or moving pod will have forty-eight

(48) hours to remove the same or same will be towed at the owner or renter of the vehicle, conveyance, boat, all-terrain vehicle, or moving pod's expense. At the time the vehicle, conveyance, boat, all-terrain vehicle, or moving pod is towed, the officer will provide express written authorization to a garage keeper pursuant to Tennessee Code Annotated, § 55-16-122 and said authorization shall include all of the information required by § 66-19-103(d), which provides:

"(d)(1) Any authorization made by a police department to tow a vehicle shall be made in writing. Such authorization shall include:

(A) The name of the officer giving authorization;

(B) The year, make and model, and color of the vehicle to be towed;

(C) The reason for the tow;

(D) The license plate number, if any; and

(E) The vehicle identification number, if it is ascertainable.

(2) A copy of such authorization shall be posted with the vehicle by the officer giving authorization, and shall remain with the vehicle until the vehicle is claimed by the owner." (as added by Ord. #14-07, Nov. 2014)

CHAPTER 5

ENFORCEMENT

SECTION

15-501. Deposit of driver's license in lieu of bail.

15-502. Storage of disabled motor vehicles restricted.

15-503. Disposal of abandoned motor vehicles.

15-501. Deposit of driver's license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing an operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, within the City of Medina, such person shall have the option of depositing his operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the City Court of Medina, Tennessee in answer to such charge before said court.

(2) Receipt to be issued. Upon the deposit of said license in lieu of bond, a receipt shall be given to the person so charged for said drivers license, which receipt shall be valid as a temporary driving permit until the trial is concluded, all in compliance with Tennessee Code Annotated, § 55-50-802. (Ord. #92-01, Dec. 1992)

15-502. Storage of disabled motor vehicles restricted.¹ No person shall permit any disabled motor vehicle to be parked, stored, placed, or allowed to remain within the city in violation of the provisions of the ordinances of the city. A disabled motor vehicle shall mean any vehicle which is incapable of being self-propelled upon the public streets, or which does not meet the requirements for operation upon the public streets, including a current license.

Disabled motor vehicles shall not be permitted in the right-of-way of the streets, alleys, or highways within the city; provided, however, that this shall not apply to towing or similar transporting of such vehicles; and provided further that a reasonable time (not to exceed twenty-four (24) hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in an emergency caused by accident or sudden breakdown of the vehicle.

¹Municipal code reference

Junked vehicles: title 13, chapter 3.

One disabled motor vehicle may be permitted in a side yard of a residential, commercial, or industrial lot as an accessory use to the main use of the lot; provided, that such vehicle is not located in any open space required by the zoning laws. Service and repair work may be performed on such vehicle and, incidental thereto, parts, tools, and equipment may be stored and used. Nothing contained herein shall be construed as authorizing the disassembling, teardown, or scrapping of a motor vehicle, or to permit one motor vehicle to be salvaged, scavenged, or stripped for parts for use on another motor vehicle. Provided, however, that a disabled vehicle shall not be permitted to remain outside of a building for a period in excess of thirty (30) days on any lot used for residential purposes or on that portion of any lot within twenty (20) feet of an abutting lot used for residential purposes. Provided further that this section shall not apply to licensed garages and repair shops.

Any policemen of the City of Medina will report to the mayor any violation of the provisions of this section and, after inspection by a member of the police department, the mayor will notify the property owner or person responsible for the property to remedy the condition within ten (10) days. Should the condition not be remedied within the time specified in such notice, the mayor shall cause the condition to be remedied at the expense of the City of Medina and the cost thereof shall become a lien upon both the real property and the disabled motor vehicle, the lien to be satisfied as any other delinquent tax lien. Further, as an alternative for enforcing this section, if the conditions should not be remedied within the time specified in such notice, the mayor shall have the power to have the disabled motor vehicle, and accessories thereto, taken away by the city and, after advertising the same for sale by one notice in the local newspaper, shall proceed to sell the same at either a public or private sale, and the city shall retain the proceeds from such sale. (Ord. #1997-7, ___)

15-503. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (Ord. #1997-6, ___)

CHAPTER 6

RULES OF THE ROAD ADOPTED

SECTION

15-601. Adoption of state traffic statutes and regulations.

15-601. Adoption of state traffic statutes and regulations. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the City of Medina also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (as added by Ord. #04-03, Feb. 2004)

CHAPTER 7

TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS

SECTION

15-701. Definitions.

15-702. Administration.

15-703. Offense.

15-704. Procedure.

15-705. Penalty.

15-701. Definitions. The following words, terms and phrases, when used herein, shall have ascribed to them the following meanings, except where the context clearly indicates a different meaning.

(1) "Citations and warning notices" shall mean the documents of notice of violation and shall include:

- (a) The name and address of the registered owner of the vehicle;
- (b) The registration plate number of the motor vehicle involved in the violation;
- (c) The violation charged;
- (d) The location of the violation;
- (e) The date and time of the violation;
- (f) A copy of the recorded image;
- (g) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (h) A sworn statement signed by an officer or contractor of the Medina Police Department that based on inspection, the subject motor vehicle was being operated in violation of the applicable enumerated section(s) of the Medina City Code; and
- (i) Information advising the person alleged to be liable for violations of the enumerated section(s) of the Medina City Code of the manner and time in which the liability alleged in the citation may be contested in city court, and warning that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(2) "Recorded images" means images recorded by a traffic control photographic system:

- (a) On a photograph, microphotograph, electronic image, videotape, or any other medium; and
- (b) At least one (1) image or portion of tape, clearly identifying the registration plate number, or other identifying designation of the license plate, on the motor vehicle.

(3) "System location" is on the roadway, or the approach to an intersection toward which a traffic control photographic system device, including but not limited to a photographic video, or electronic camera, is directed and is in operation.

(4) "Traffic control photographic system" is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work on a roadway for speed enforcement, or in conjunction with an official traffic control sign, signal or device, and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal or device.

(5) "Vehicle owner" is the person identified on records maintained by the State of Tennessee and other states, departments of safety, as registered owner of a motor vehicle. (as added by Ord. #10-01, Jan. 2010)

15-702. Administration. (1) The Medina Police Department shall administer the traffic control photographic and video system and shall maintain a list of all system locations where traffic control photographic systems are installed. The city may contract with third parties to perform administrative and clerical functions.

(2) No third party contractor shall have the authority to issue citations and no citations shall issue except upon review of the photograph(s), digital and/or video images by the Medina Police Department. Upon review of such images by the Medina Police Department, on each case, and upon express approval for the issuance of a citation by the Medina Police Department, a third party contractor may perform the ministerial functions of preparing, mailing, serving and/or processing citations.

(3) Signs to indicate the use of the traffic control photographic and video system may be clearly posted in the discretion of the Medina Police Department.

(4) All fines paid and/or collected shall be paid to the City of Medina.

(5) The City of Medina shall have all necessary power and authority to contractually provide for the purchase, lease, rental, acquisition and/or to enter a service contract(s) so as to fully and necessarily implement the provisions of the traffic control photographic system authorized hereby. (as added by Ord. #10-01, Jan. 2010)

15-703. Offense. (1) It shall be unlawful for any vehicle to travel through a system location at a rate of speed in excess of that rate of speed established or posted for any such system location(s).

(2) It shall be unlawful for a vehicle to cross the stop line at a system location, in disregard or disobedience of the traffic control sign, signal or device at such location, or to otherwise violate any section of the Medina City Code

with respect to obedience to traffic lights, stop signs or traffic signals. (as added by Ord. #10-01, Jan. 2010)

15-704. Procedure. (1) The city shall adopt procedures for the issuance of uniform citations and, if deemed appropriate, warning notices hereunder. Such system may include the use of third party contractors to perform ministerial tasks.

(2) A citation or warning notice so issued, alleging an offense hereunder in violation of said ordinance of the Medina City Code, which is sworn to or affirmed by an official of the Medina Police Department based on inspection of recorded images produced by the traffic control photographic system, and which includes copies of such recorded images, shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation hereunder. The citation or warning notice shall be forwarded by first-class mail, postmarked not later than thirty (30) days after the date of the alleged violation, to the vehicle owner's address as given on the motor vehicle registration records maintained by the State of Tennessee Departments of Safety and other states motor vehicle registration departments. Personal delivery to or personal service of process on the owner of the vehicle will not be required.

(3) A person who receives a citation or warning notice may:

(a) Pay the assessed fine and civil penalty, in accordance with instructions on the citation or warning notice, directly to the city court clerk; or

(b) Elect to contest the citation for the alleged violation.

(4) Liability hereunder shall be determined based upon preponderance of the evidence. Admission into evidence of a citation or warning notice, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(a) Testifies under oath in open court that he or she was not the operator of the vehicle at the time of the alleged violation; and

(b) Submits to the court prior to the return date established on the citation and warning notice the owner's sworn notarized statement that the vehicle was in the care, custody or control of another person or entity at the time of the violation and accurately identifying the name and accurately stating the current address and relationship to or affiliation with the owner, of the person or entity who leased, rented or otherwise had such possession of the vehicle at the time of the alleged violation; or

(c) Presents to the court prior to the return date established on the citation and warning notice a certified copy of a police report showing

that the vehicle had been reported to the police as stolen prior to the time of the alleged violation. (as added by Ord. #10-01, Jan. 2010)

15-705. Penalty. (1) Any offense hereunder shall be deemed a non-criminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed. Failure to pay the civil penalty or appear in court to contest the citation or warning notice on the designated date, shall result in the imposition of the stated fine by default and assessment of court costs as otherwise provided for by ordinance for citations to the City Court of Medina, Tennessee. The city may establish procedures for the trial of civil violators and may enforce and collect all penalties in the nature of a debt as otherwise provided by law.

(2) All revenues generated from penalties and assessments associated with the enforcement of this chapter shall go into the general fund, provided however that the city recorder shall be expressly authorized to pay such administration costs as are necessarily incurred and by contract authorized in order to implement and administer this system(s) hereby authorized.

(3) A violation for which a civil penalty is imposed hereunder shall not be considered a moving violation and may not be recorded by the division of police services or the Tennessee Department of Safety on the driving record of the owner or driver of the vehicle and may not be considered in the provision of motor vehicle insurance coverage.

(4) All recorded images generated by the traffic control photographic system, including, but not limited to photographs, electronic images, and videotape, shall be solely owned by the City of Medina. (as added by Ord. #10-01, Jan. 2010)