

ORDINANCE NO. 239

AN ORDINANCE TO MAKE A VIOLATION OF TENN. CODE ANNO. §55-12-139 A MUNICIPAL ORDINANCE VIOLATION BY AMENDING TITLE 11 “MUNICIPAL OFFENSES”, CHAPTER 1 BY ADDING SECTION 11-120.

WHEREAS, under the authority of Tenn. Code Anno. § 55-10-307, municipalities are authorized to make violation of Tenn. Code Anno. § 55-12-139 municipal ordinance violations;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF The Town of Mount Carmel, Tennessee, as follows:

SECTION I. Title 11 “Municipal Offenses”, Chapter 1, “Misdemeanors of State Adopted”, shall be amended by adding the following new section 11-120, “Compliance with financial responsibility law required”:

11-120. 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 in this title of this municipal code; or at the time of an accident for which notice is required under Tenn. Code Anno. § 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 Tenn. Code Anno. § 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 Tenn. Code Anno., 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 Tenn. Code Anno., chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tenn. Code Anno., § 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) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this ordinance. Any violation of this ordinance is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this ordinance shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

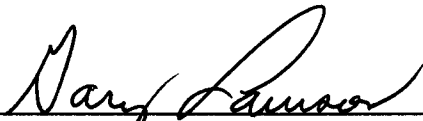
(5) On or before the court date, the person charged with a violation of this ordinance may submit evidence of compliance with this ordinance in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed.

SECTION II. Legal Status Provisions.

A. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.



GARY W. LAWSON, Mayor

ATTEST:



NANCY CARTER, Recorder

APPROVED AS TO FORM:

Michael A. Fuchs
TOWN ATTORNEY

FIRST READING	AYES	NAYS	OTHER
Alderman Bailey	✓		
Vice-Mayor Christian	absent		
Alderman Hale	✓		
Mayor Lawson	✓		
Alderman Pierce	✓		
Alderman Wheeler	✓		
Alderman Worley	✓		
TOTALS	6	0	0

PASSED FIRST READING 2-28-02

SECOND READING	AYES	NAYS	OTHER
Alderman Bailey	absent		
Vice-Mayor Christian	✓		
Alderman Hale	✓		
Mayor Lawson	✓		
Alderman Pierce	✓		
Alderman Wheeler	✓		
Alderman Worley	✓		
TOTALS	6	0	0

PASSED SECOND READING 3-28-02

PUBLISHED ON: _____

DATE: 4-12-02

NEWSPAPER: Kingsport Times News

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN April 12, 2002

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 4-12-02, and appearing 1 consecutive weeks (times), as per order of Town of Mt. Carmel

Signed Nancy R. Williams

The following ordinance was passed by the Mt. Carmel Board of Mayor & Alderman on March 28, 2002; Ordinance 239. Making a violation of Tenn. Code Anno. 55-12-139 by amending Title 11, Chapter 1 by adding 11-120.

Pub. 1T: 04/12/02

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 12th day of April 2002, Nancy R. Williams of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Debra F. Salys
NOTARY PUBLIC

My commission expires February 3, 2003