

AN ORDINANCE TO AMEND, CHAPTER 21, ARTICLE III OF THE CODE OF
ORDINANCES SO AS TO ESTABLISH A PENALTY FOR OPERATING LOW
SPEED VEHICLES ON CITY STREETS

WHEREAS, The State of Tennessee currently has in effect Tennessee Code Annotated 55-8-191 which gives authority to a municipality to prohibit the operation of low speed vehicles on any road under its jurisdiction if the governing body of the municipality determines that such prohibition is necessary in the interest of safety; and

WHEREAS, Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00); and

WHEREAS, Tennessee Code Annotated 55-10-301(a) provides that violation of the Tennessee Code Annotated 55-8-191 is a Class C misdemeanor; and

WHEREAS, the City Council of the City of Memphis intends to exercise its authority to enact new traffic ordinances.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21, Article III is hereby amended to create a new Section 21-134.2 to read as follows:

Sec. 21-134.2. **Low speed vehicles; prohibited.**

(a) All low speed vehicles are prohibited from being operated on streets.

(b) "Low Speed" vehicle means any four-wheeled electric vehicle, excluding golf carts, whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph).

(c) A violation of this section is a Class C misdemeanor, subject to a 50.00 fine.

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 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 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.

Myron Lowery
Council Chairman

Attest:
Patrice Thomas, Comptroller