

ORDINANCE NO. 306

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO PROVIDE FOR TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

- SECTION I. That the Town of Mount Carmel Municipal Code, Title 15, MOTOR VEHICLES TRAFFIC AND PARKING, Chapter 7, ENFORCEMENT, is hereby amended by adding a new chapter 8 to be entitled AUTOMATED ENFORCEMENT.

Sec. 15-801. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

1. *Citations and Warning Notices* 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 date and time of the violation;
 - e. A copy of the recorded image;
 - f. The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
 - g. A signed statement by a member of the Town of Mount Carmel Police Department that, based on inspection of recorded images, the motor vehicle was being operated in violation of Sec. 15-801; and
 - h. Information advising the person alleged to be liable under this section:
 - i. of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the City Court of the Town of Mount Carmel; and
 - ii. 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. *In operation* means operating in good working condition.
3. *Recorded images* means images recorded by a traffic control photographic system
 - a. on:
 - i. A photograph;
 - ii. A microphotograph;

- iii. An electronic image;
 - iv. Videotape; or
 - v. Any other medium; and
- b. At least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.
- 4. *System location* is the approach to an intersection toward which a photographic, video or electronic camera is directed and in operation.
- 5. *Traffic control photographic system* is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work 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.
- 6. *Vehicle owner* is the person identified by the Tennessee Department of Safety as the owner of a vehicle.

Sec. 15-802. General.

- 1. The Town of Mount Carmel Police Department or an agent of the Department shall administer the traffic control photographic systems and shall maintain a list of system locations where traffic control photographic systems are installed.
- 2. The town shall adopt procedures for the issuance of citations and warnings under this section. A citation or warning alleging that the violation so Section 15-304 of this article occurred, sworn to or affirmed by officials or agents of the Town of Mount Carmel, based on inspection of recorded images produced by a traffic control photographic system, shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section. The citation or warning shall be forwarded by first-class mail to the owner's address as given on the motor vehicle registration. Personal service of process on the owner shall not be required.
- 3. Signs to indicate the use of traffic control photographic systems shall be clearly posted.

Sec. 15-803. Offense.

- 1. It shall be unlawful for a vehicle to cross the stop line at a system location per Sec. 15-801, or for a vehicle to violate any other traffic regulation specified in Chapter 7 of the Mount Carmel Code of Ordinances.
- 2. A person who receives a citation under subsection 3 may:
 - a. Pay the civil penalty, in accordance with instructions on the citation, directly to the City Court of the Town of Mount Carmel; or
 - b. Elect to contest the citation for the alleged violation.
- 3. The owner of a vehicle shall be responsible for a violation under this section, except when he can provide evidence that the vehicle was in

the care, custody, or control of another person at the time of the violation, as described in subsection d.

4. Notwithstanding subsection c., the owner of the vehicle shall not be responsible for the violation if, on the designated court date, he furnishes the Town of Mount Carmel:
 - a. The name and address of the person or entity who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or
 - b. An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have his permission to use the vehicle.

Sec. 15-804. Penalty.

1. Any violation of Sec. 15-801 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 on the designated date, shall result in an assessment of court cost of forty-five dollars (\$45.00). The town may establish procedures for the trial of civil violators, and the collection of civil penalties and may enforce the penalties by a civil action in the nature of a debt.
2. All revenues generated from penalties and assessments associated with the enforcement of Sec. 15-801 shall first be applied to all equipment, administrative and associative processing costs. All excess revenues shall then be limited to the payment of costs associated with traffic and safety education programs, and shall not be available for general government operating expenditures.
3. A violation for which a civil penalty is imposed under this section shall not be considered a moving violation and may not be recorded by the Town of Mount Carmel Police Department 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.

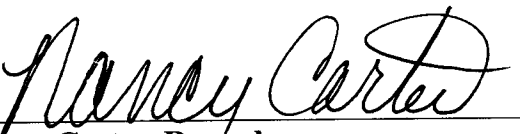
SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION III. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.



Gary W. Lawson, Mayor

ATTEST:


Nancy Carter, Recorder

Passed First Reading 11-22-05

Passed Second Reading 12-27-05

Published On 1-10-06

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN February 2, 2006

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 1-10-06, and appearing 1 consecutive week(s)/time(s), as per order of _____

John F. Mount Carmel

Signed Karen C. Mulkey

ORDINANCE PASSED BY
THE MT. CARMEL BOARD
OF MAYOR AND ALDER-
MEN AND DATE PASSED
IS AS FOLLOWS: Ordinance
306. Amends Code of Ord-
nances to provide for traffic
control photographic sys-
tems; To fix a penalty for the
violation and fix the effective
date of this Ordinance.
Passed 12/27/05.

Pub. 1T: 01/10/06

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 2nd day of February
2006, Karen C. Mulkey
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.

William David Richards
NOTARY PUBLIC

My commission expires 6-26-07

