



ORDINANCE 24-317

AN ORDINANCE OF THE TOWN OF CORNERSVILLE TO ADOPT STATE TRAFFIC OFFENSES OF DRIVERS TO EXERCISE DUE CARE AND CONTAINER LAW FOR ADJUDICATION IN MUNICIPAL COURT.

WHEREAS, the Town of Cornersville Board of Mayor and Aldermen desires to adopt Tennessee Code Annotated § 55-8-136, Drivers to Exercise Due Care, and Tennessee Code Annotated § 55-10-416, Open Container Law into Cornersville Municipal Court.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF CORNERSVILLE, TENNESSEE AS FOLLOWS:

SECTION 1. TCA § 55-8-136 Drivers to Exercise Due Care; Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver of a vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control by devoting full time and attention to operating the vehicle, under the existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm.

A violation of this section is a Class C misdemeanor.

SECTION 2. TCA § 55-10-416 Open Container Law;

- a. (1) No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.
- (2) For purposes of this section:

A. Open container means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken;

B. An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk or other nonpassenger area of the vehicle; and

C. A motor vehicle is in the operation if its engine is operating, whether or not the motor vehicle is moving.

b. (1) A violation of this section is a Class C misdemeanor, punishable by the fine only.

(2) For a violation of this section, a law enforcement officer shall issue a citation in lieu of continued custody, unless the offender refuses to sign and accept the citation, as provided in TCA § 40-7-118.

c. This section may not be construed to prohibit any municipality, by ordinance, or any county, by resolution, from prohibiting the passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer in an open container during the operation of the vehicle by its driver or be construed to limit the penalties authorized by law for violation of the ordinance or resolution.

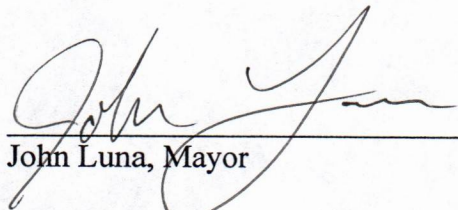
There are a few exceptions to the Tennessee Open Container Law, including certain vehicles such as limos or party buses and specific events like tailgating parties. Additionally, people with an open container permit may be legally allowed to drink in public places under certain circumstances. To learn more about these exceptions and whether you qualify for any of them, it is best to speak with an attorney or the local law enforcement agency.

SECTION 3. If any section, clause, provision or portion of this Ordinance is for any reason declared invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance that is not itself invalid or unconstitutional.

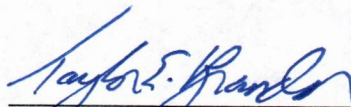
SECTION 4. This Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage, the public welfare demanding it.

PASSED FIRST READING: May 2, 2024

PASSED SECOND READING AND ADOPTED: June 6, 2024

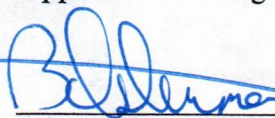


John Luna, Mayor



Taylor Brandon, Town Recorder

Approved as to legality and form:



Billy Ostermann, Town Attorney