

AN ORDINANCE TO CREATE A RECORDER'S COURT OF THE CITY OF BELLE MEADE; TO PROVIDE FOR A JUDGE OR JUDGES FOR EACH COURT, AND THE QUALIFICATION AND TERM OF OFFICE OF SAME; TO DEFINE THE JURISDICTION OF SUCH COURT; TO AUTHORIZE THE ESTABLISHMENT OF A SCHEDULE OF VOLUNTARY FINES FOR VIOLATION OF LAWS AND ORDINANCES AND OF BAIL; TO PROVIDE FOR THE APPOINTMENT OF A POLICE OFFICER TO SERVE AS DESK SERGEANT; TO AUTHORIZE THE ESTABLISHMENT OF RULES FOR THE CONDUCT OF THE BUSINESS OF THE COURT AND DAYS AND TIMES FOR HEARINGS, WITH CONCURRENCE OF THE BOARD OF COMMISSIONERS; TO PROVIDE FOR APPEALS FROM JUDGMENTS OF THE RECORDER'S COURT AND TO AUTHORIZE A CONTRACTUAL ARRANGEMENT WITH DAVIDSON COUNTY FOR IMPRISONMENT OF CONVICTED PERSONS FAILING TO PAY FINES IMPOSED.

BE IT ORDAINED BY THE CITY OF BELLE MEADE as follows:

SECTION 1. There is hereby created a Court, to be known and designated as "The Recorder's Court of the City of Belle Meade."

SECTION 2. The City Recorder of the City of Belle Meade, who is appointed by the City Manager of the City of Belle Meade, with the concurrence of the Board of Commissioners, shall, as a part of his duties serve as Judge of the Recorder's Court of the City of Belle Meade. In the event of the temporary absence, incompetency, or inability to serve in any case, the City Manager shall designate an attorney, over thirty (30) years of age, admitted to practice in Tennessee, and residing in the City of Belle Meade, to act as Special Judge of the Recorder's Court of the City of Belle Meade, with all powers incidental to the office of City Recorder.

SECTION 3. The Judge of the Recorder's Court of the City of Belle Meade shall hear and determine all cases brought before him for violations of the ordinances of the City of Belle Meade or for violations of such laws of the State of Tennessee as Recorders are, by law, authorized to hear and determine. He shall have power and authority to impose fines, costs and forfeitures, and to punish by fine or imprisonment or both for violations of city ordinances. to preserve and enforce order in his Court; to enforce the collection of all such fines, costs and forfeitures imposed by him, and, in default of the payment, or of good and sufficient security given for the payment of any such fines, costs or forfeitures imposed by him, he shall have the power, and it shall be his duty, to commit the offender to the workhouse or other place provided for such purpose, and to such labor as may be provided by ordinance, until such fines, costs or forfeitures shall be fully paid, at the rate of one (1) day's imprisonment for each fifty (50) cents of such fines, costs, or forfeitures; provided that no such imprisonment shall exceed thirty (30) days for any one offense; and provided further that, no fine shall exceed Fifty (\$50.00) Dollars

for any one offense, and that fines may be paid in installments in such manner as may be provided by ordinance. The Judge of the Recorder's Court may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

SECTION 6-2123. APPEARANCE BOND FOR ORDINANCE VIOLATIONS. - Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer and no warrant has been issued or served, he may execute an appearance bond in an amount not exceeding fifty dollars (\$50.00), and file same with a police desk sergeant, or he may, in lieu of the execution of an appearance bond, deposit a sum not exceeding fifty dollars (\$50.00), with a police desk sergeant and be given a receipt for same, and on the appearance of such person before the city court at the time specified in said receipt such deposit shall be returned to him, but on the failure of such person to appear at the time specified the amount so deposited shall be forfeited to the municipality and he shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, however, that within two (2) days of the imposition of the forfeiture the city recorder shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend his suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture.

SECTION 4. The Judge of the Recorder's Court shall establish a schedule of voluntary fines to cover the first and second violations of traffic ordinances and regulations, which shall be for the benefit of and convenience of persons whose violations are not of a serious nature. Persons accused of such violations may sign a statement or power of attorney authorizing the police desk sergeant to enter a plea of guilty to the charge, tender the sum of money provided in the schedule, and deliver his operator's or chauffeur's license for notation of such offense thereon. Such voluntary fine shall be tendered into Court, where same may be either accepted or rejected. In the event same is rejected, the person accused of the violation shall be cited to appear in Court, provided, however, that no such voluntary fine shall be accepted from a person whose violation involves personal injury or property damage; neither shall such voluntary fine be accepted from a person accused of a third violation within a twelve-month period, "third violation" being defined to mean a violation preceded by two convictions, voluntary fines or forfeiture of bond within the twelve-month period.

The Judge of the Recorder's Court shall establish a schedule of cash bail for all violations of traffic ordinances or regulations of the City of Belle Meade.

SECTION 5. The Chief of Police of the City of Belle Meade shall be responsible for the attendance of a police officer, or members of the police department of the City, upon the Court at all times when it shall be in session, and said Chief of Police shall also designate an officer

or officers, to serve as "police desk sergeant" as provided in Section 3 hereinabove.

SECTION 6. The Court shall make rules for the conduct of its business, and shall prescribe and adopt forms for its use in issuing process, entering judgments and keeping records of its transactions; it shall further, with the concurrence of the Board of Commissioners by resolution, adopt a schedule of days and hours at which hearings will be held. The Court shall be authorized to compel the attendance of witnesses by the issuance of subpoena or by attachment.

The recorder in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases, and in addition shall add thereto one dollar (\$1.00), as a tax on the same. He shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by him for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the City shall belong to the City and be paid into its treasury. It shall be the duty of the recorder to collect and receipt for all fines imposed by him and he shall render a monthly report to the Board of Commissioners of all costs and fines collected and of all assessed and uncollected. It shall be unlawful for any other person or officer to collect or receipt for said fines, costs, and recoveries, but the said recorder may authorize the chief of police to collect and receipt for fines and costs.

All fines imposed by the recorder for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city manager.

SECTION 7. Any person dissatisfied with the judgment of the recorder in any case or cases heard and determined by the recorder, may, within two (2) entire days thereafter, Sundays excluded, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the recorder for his appearance or the faithful prosecution of the appeal, provided, however, that in prosecutions for violations of the city ordinances the bond shall not exceed two hundred and fifty dollars (\$250), provided, however, that such appeal shall not act as a stay or supersedas of any imprisonment which may be imposed

unless the defendant shall execute an appeal bond with surety and approved by the Recorder and in treble the amount of the fine imposed, conditioned to pay the fine and costs adjudged upon such appeal.

SECTION 8. The Mayor and the City Manager are expressly authorized to negotiate with the Sheriff of Davidson County, and with such other officials as may be necessary, for the imprisonment of such persons as may be convicted of offenses by the Recorder's Court of the City of Belle Meade and who shall refuse or otherwise fail to pay the fine and costs imposed by said Court. Any such agreement as shall be so negotiated shall be subject to approval by resolution of Board of Commissioners of the City of Belle Meade, which resolution shall also authorize execution of such contractual agreement by the Mayor and the City Manager.

L. D. Bell

MAYOR

J. H. Teas

VICE MAYOR

B. W. Halton

COMMISSIONER

D. H. Vance

RECORDER

Passed on First Reading
September 15, 1958.

Passed on Second Reading
November 6, 1958.

Passed on Third Reading
and Adopted
November 10, 1958.