

## ORDINANCE NO. 71-1

AN ORDINANCE TO ESTABLISH THE CITY COURT OF THE CITY OF BELLE MEADE; TO PROVIDE FOR A JUDGE OR JUDGES FOR SAME, AND THE QUALIFICATIONS AND TERMS OF OFFICE OF SAME; TO DEFINE THE JURISDICTION OF THE CITY COURT; TO AUTHORIZE THE ESTABLISHMENT OF A SCHEDULE OF VOLUNTARY FINES FOR VIOLATIONS OF LAWS AND ORDINANCES AND FOR BAIL; TO PROVIDE FOR THE APPOINTMENT OF A POLICE OFFICER TO SERVE AS DESK SERGEANT; TO AUTHORIZE THE ESTABLISHMENT OF RULES FOR CONDUCT OF THE BUSINESS OF THE COURT AND DAYS AND TIMES FOR HEARING, WITH THE CONCURRENCE OF THE BOARD OF COMMISSIONERS; TO PROVIDE FOR APPEALS FROM JUDGMENTS OF THE CITY COURT AND TO AUTHORIZE A CONTRACTUAL ARRANGEMENT WITH METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY FOR IMPRISONMENT OF CONVICTED PERSONS FAILING TO PAY THE FINES IMPOSED, AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

SECTION 1. There is hereby established a court, to be known and designated as the City 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, with the concurrence of the Board of Commissioners shall, as a part of his duties, serve as Judge of the City Court. In the event of the temporary absence, incompetency, or inability to serve in any case, the City Manager, and if he not be able to act, the Mayor, shall designate an attorney, at least 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 City Court, with all powers incidental to that office.

SECTION 3. The Judge of the City Court, City of Belle Meade, shall hear and determine all cases brought before him for violations of the

ordinances of the City and for such violations of laws of the State of Tennessee as Judges of City Courts are, by law, authorized to hear and determine. He shall have power and authority to impose fines, costs and forfeitures, and to impose penalties consisting of 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 as shall be 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 by agreement with the Metropolitan Government for such purpose, or, in the case of first offenders, to require certain educational activities or procedures to prevent repetition of such violations. Commitment to the workhouse or other place of confinement may be ordered in lieu of payment of fine, until such fines, costs or forfeitures shall be fully paid, at the rate of one day's imprisonment for each ten (\$10.00) dollars 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 the fines may be paid in installments, or in such other manner as may be provided by ordinance with the approval of the Judge. The Judge of the City Court may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

SECTION 4 (A). Whenever any person shall be arrested for the violation of any City Ordinance in the presence of a police officer and no warrant for such violation has been issued or served, such person may execute an appearance bond in an amount not exceeding fifty (\$50.00) dollars, 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 (\$50.00) dollars 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 such receipt such deposit shall be returned to him; however, 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 following the imposition of forfeiture the City Judge 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 two (2) days following such forfeiture, there may be a final judgment imposing such forfeiture.

SECTION 4 (B). Whenever a person shall be arrested for a violation of the traffic ordinances of this City, punishable as a misdemeanor, and such person is not immediately taken before the Judge of the City Court, the arresting officer shall prepare a quadruplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

1. The time specified in said notice to appear must be as fixed by the arresting officer unless the person arrested shall demand an earlier hearing.

2. The place specified in said notice to appear must be before a Judge of this Court.

3. The arrested person, in order to secure release as provided in this Section, must give his written promise so to appear in this Court by signing at least one (1) copy of the written notice prepared by the arresting officer. The officer shall deliver a copy of the notice to the person promising to appear. Thereupon, said officer shall forthwith release the person arrested from custody.

4. A police officer at the scene of a traffic accident may issue a written traffic citation to the driver of any vehicle involved in an accident when based on a personal investigation the officer has reasonable and probable grounds to believe that such person has committed an offense under the provisions of the ordinances of the City of Belle Meade applicable thereto.

SECTION 5. The Judge of the City 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 offence 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 City Court shall establish a schedule of cash bail for all violations of traffic ordinances or regulations of the City of Belle Meade.

SECTION 6. 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 7. 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 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 8. Any person dissatisfied with the judgment of the recorder in any case or cases heard and determined by the recorder, may, within ten (10) 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 (\$250.00), 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 9. 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 City 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 City Manager.

*S. Bell*

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MAYOR

*John Teas*

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VICE MAYOR

*Wm. B. Smith*

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COMMISSIONER

~~\_\_\_\_\_~~ *W. J. Speer*

RECORDER

Passed on First Reading  
May 10, 1971

Passed on Second Reading  
July 21, 1971

Passed on Third Reading  
and Adopted  
on August 2, 1971