

## **ORDINANCE 2018-02**

### **AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 22, REGARDING CITY COURT**

**WHEREAS**, Chapter 22 of the Code of Ordinances of the City of Brentwood contains provisions regarding City Court; and

**WHEREAS**, a comprehensive review of said Chapter has resulted in recommendations for various revisions to reflect or improve upon current City practices and to be consistent with applicable state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** That section 22-1 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

#### **Sec. 22-1. Citations; disposition of cases.**

(a) Whenever a person is charged with a violation of any provision of this Code, a citation shall be issued to such person by a police officer or codes enforcement officer of the city. The citation shall include the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court. Any such citation shall serve as a notice to such person to appear in court at such time and place, notwithstanding the refusal or inability of such person to sign the citation. Citations for traffic and vehicle offenses under chapter 66 of this Code shall be subject to the additional provisions established in section 66-70.

(b) Every person charged with violating a city ordinance shall be entitled to a prompt hearing and disposition of the case, based on the court's scheduling procedures. Except as provided by section 66-70 of this Code for traffic and vehicle offenses, failure to appear in court at the date and time set for a hearing on the violation of a city ordinance constitutes the separate offense of contempt of court, for which the court may impose an additional penalty pursuant to section 1-9 of this Code. In addition to or in lieu of such additional monetary penalty, such failure to appear by a person charged with a violation of a provision of chapter 66 may be reported to the state and may result in the suspension of such person's vehicle operator's license, as provided by state law. However, the provisions of this section shall not apply when the alleged offender, by reason of incapacity, is not in a proper condition or is not able to appear before the court. Furthermore, the obligation to appear in court may be complied with by an appearance by counsel.

**SECTION 2.** That section 22-2 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

**Sec. 22-2. Imposition of fines, penalties, costs.**

All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court. All such fines, penalties and costs shall be paid in to the city treasury and deposited in the general fund, unless otherwise required by the provisions of this Code or state law.

**SECTION 3.** That section 22-3 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

**Sec. 22-3. Disturbance of proceedings.**

It shall be unlawful for any person to create any disturbance of any proceedings before the city court by any distracting conduct whatsoever.

**SECTION 4.** That section 22-4 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

**Sec. 22-4. Court costs.**

(a) When any person pleads guilty or has been found guilty for violating any provisions of this Code, any city ordinance or duly adopted state statutes which the city has authority to adopt, such person shall pay in addition to the amount of the fine levied for the violation, court costs in the sum of \$75.00, except as follows:

(1) For the violation of parking regulations other than those pertaining to parking in a fire lane or in a disabled parking space, the cost shall be \$10.00.

(2) For a violation relating solely to the attachment or illumination of a registration plate pursuant to T.C.A. § 55-4-110, as adopted in chapter 66 herein by reference, no court costs shall be imposed.

(3) For a violation relating to text messaging while operating a motor vehicle pursuant to T.C.A. § 55-8-199, as adopted in chapter 66 herein by reference, the cost shall be \$10.00.

(4) For a violation relating to mobile device use while operating a motor vehicle pursuant to T.C.A. § 55-8-207, as adopted in chapter 66 herein by reference, the cost shall be \$10.00.

(b) When any person has been charged with violation of a law regarding vehicle equipment (including but not limited to inoperable headlights, tail lights, brake lights or turn signals), financial responsibility, driver licensing, or vehicle licensing and registration, the charge may be dismissed if the person charged with the violation submits evidence of compliance with such law on or before the court date; provided, however, that the city judge may establish an administrative cost not to exceed \$25.00 to be collected from the person charged with the violation.

**SECTION 5.** That section 22-5 of the Code of Ordinances of the City of Brentwood shall be amended by changing “T.C.A. § 40-24-105(d)” to “T.C.A. § 40-24-105(e).”

**SECTION 6.** That section 22-6 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

**Sec. 22-6. Validity of citations.**

No citation for a violation of the provisions of this Code shall be declared void by reason of the fact that the incorrect ordinance or section number was cited, so long as the citation states a cause of action sufficient to place the defendant on notice of the charge the defendant is called upon to defend against.

**SECTION 7.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

**SECTION 8.** If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 9. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED: 1st reading 01/09/18  
2nd reading 01/22/18

PUBLIC HEARING

Notice published in: n/a  
Date of publication: \_\_\_\_\_  
Date of hearing: \_\_\_\_\_

PLANNING COMMISSION n/a

NOTICE OF PASSAGE

Notice published in: Williamson Tennessean  
Date of publication: 01/28/18

EFFECTIVE DATE 01/28/18

Jill Burgin  
MAYOR Jill Burgin

Holly Earls  
RECORDER Holly Earls

Approved as to form:

Roger A. Horner  
CITY ATTORNEY Roger A. Horner