

ORDINANCE 14-17

AN ORDINANCE AMENDING TITLE 3, CHAPTER 2 OF THE SPRING HILL MUNICIPAL CODE TO MAKE CONTEMPT OF COURT A SEPARATE OFFENSE AND ESTABLISHING A FINE FOR CONTEMPT OF COURT

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill, desiring that the ends of justice be met, wish to prohibit a person from committing actions in contempt of the City Court of the City of Spring Hill:

NOW THEREFORE,

SECTION I. BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Spring Hill that Title 3, Chapter 2 of the Spring Hill Municipal Code be amended to add a Section 3-209, which shall read as follows:

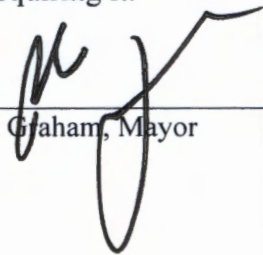
3-209. Offense: Contempt

Any violation of Tennessee Code Annotated Title 29, Chapter 9, shall constitute the offense of contempt of the Spring Hill City Court. Such contempt shall be punishable by fine in the amount of \$50.00, or such lesser amount as may be imposed at the Judge's discretion, plus court costs and litigation taxes. Offenders shall be given an opportunity to purge the contempt in a subsequent hearing after being served by certified mail, return receipt requested or other form of personal service, a notice and order to show cause. The clerk of the court shall be authorized to charge a separate \$35.00 fee for the administrative costs associated with the scheduling, notice and adjudication of the contempt case, in addition to any other applicable costs. The power to punish under this section may not be used against any person who fails to appear for parking violations. (Tennessee Code Annotated §29-9-108(a)(3)).

SECTION II. BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the City of Spring Hill that if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid

provision or application, and to that end the provisions of this ordinance are declared to be severable.

SECTION III. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Spring Hill that this ordinance shall take effect on July 1, 2014, the health, safety and welfare of the citizens of Spring Hill requiring it.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: April 21, 2014

Passed on Second Reading: May 19, 2014



REQUEST: *Approval of Ordinance 14-17*
SUBMITTED BY: Victor Lay, City Administrator
City Staff, Department and Title
DATE: April 11, 2014
RE: Making Contempt of Court a Separate Offense and
establishing a fine for Contempt of Court
ATTACHMENTS: Description of any attachments

PURPOSE:

The purpose of this ordinance is to prohibit persons from committing actions in contempt of the City Court of Spring Hill.

BACKGROUND:

If this ordinance is passed, the following actions will be considered contempt of court as specified in T.C.A. 29-9-102. Scope of power.

The power of the several courts to issue attachments, and inflict punishments for contempts of court, shall not be construed to extend to any except the following cases:

- (1) The willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice;
- (2) The willful misbehavior of any of the officers of such courts, in their official transactions;
- (3) The willful disobedience or resistance of any officer of the such courts, party, juror, witness, or any other person, to any lawful writ, process, order, rule, decree, or command of such courts;
- (4) Abuse of, or unlawful interference with, the process or proceedings of the court;
- (5) Willfully conversing with jurors in relation to the merits of the cause in the trial of which they are engaged, or otherwise tampering with them; or
- (6) Any other act or omission declared a contempt by law.



(State law references: T.C.A. §29-9-101, et seq.; T.C.A. §16-18-306; T.C.A. §6-21-502

Spring Hill Municipal Code reference: 3-204)

Offenders will be given an opportunity to purge the contempt in a subsequent hearing after being served by certified mail, or some other form of personal service, a notice and order to show cause.

FINANCIAL IMPACT:

Each charge of contempt shall be punishable by a fine of up to \$50.00 plus court cost of \$75.00, state litigation tax of \$13.75, and an administrative fee of \$35.00. This administrative fee covers the additional cost, time and expense of processing the show cause orders. The total amount collected for a charge of contempt will be \$173.75.

STAFF RECOMMENDATION:

Favorable

ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):

This will take 2 readings (months) to adopt.