

## **ORDINANCE 14-15**

### **AN ORDINANCE AMENDING TITLE 15, CHAPTER 3 OF THE SPRING HILL MUNICIPAL CODE TO ADD PROVISIONS ESTABLISHING A SCHEDULE OF FINES FOR SPEEDING VIOLATIONS AND SPEEDING IN SCHOOL ZONES.**

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill, desiring that traffic safety be enhanced and the ends of justice be met, wish to establish a schedule of fines for speeding within the jurisdiction:

**NOW THEREFORE,**

**SECTION I. BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Spring Hill that Title 15, Chapter 3 of the Spring Hill Municipal Code be amended to add a Section 15-306, which shall read as follows:

**15-306.        Schedule of Fines for Speeding Offenses**

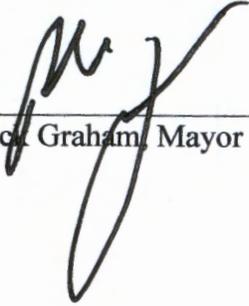
- (1) The City Judge is authorized to fine persons who plead or are found guilty of driving between 1 and 10 miles per hour over the posted speed limit a fine in the amount of \$30.00, exclusive of court costs and litigation taxes. The City Judge shall have the discretion to assess the maximum fine of \$50.00 where the person's driving record establishes one or more prior moving violations within the 3 previous years from the date of the current citation under adjudication.
- (2) The City Judge is authorized to fine persons who plead or are found guilty of driving between 11 and 20 miles per hour over the posted speed limit a fine in the amount of \$40.00, exclusive of court costs and litigation taxes. The City Judge shall have the discretion to assess the maximum fine of \$50.00 where the person's driving record establishes one or more prior moving violations within the 3 previous years from the date of the current citation under adjudication.
- (3) The City Judge is authorized to fine persons who plead or are found guilty of driving in excess of 21 miles per hour over the posted speed limit a fine in the amount of \$50.00, exclusive of court costs and litigation taxes.

- (4) The City Judge shall have the discretion to fine persons who plead or are found guilty of speeding in any amount over the posted 20 m.p.h. speed limit a fine in the amount of \$50.00, exclusive of court costs and litigation taxes.
- (5) The City Judge shall have the discretion to fine persons who plead guilty or are found guilty of speeding in any amount over the speed limit in a school zone a fine in the amount of \$50.00, exclusive of court costs and litigation taxes.
- (6) Persons opting to pay a fine for a cited speeding violation prior to and in lieu of appearing in City Court to answer the citation for the alleged offense shall pay the appropriate fine as set forth in sub-sections (1) through (3) above.
- (7) All fines provided for this section shall be payable to the clerk of the City Court. Failure to pay the applicable fine prior to and in lieu of appearing in Court, or failure to appear in court at the specified time to answer the charge, will result in an adjudication of guilt for the alleged offense, as well as an additional citation for failure to appear in accordance with Title 3, Section 208 of this Code.

**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.

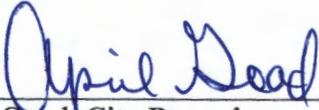
Passed and adopted this 16<sup>th</sup> day of June, 2014.



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Rick Graham, Mayor

ATTEST:



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April Goad, City Recorder

LEGAL FORM APPROVED:



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Patrick Carter, City Attorney

Passed on First Reading: April 21, 2014  
Deferred on May 19, 2014  
Passed on Second Reading: June 16, 2014



**REQUEST:** *Approval of Ordinance 14-15*

**SUBMITTED BY:** Victor Lay, City Administrator  
City Staff, Department and Title

**DATE:** April 11, 2014

**RE:** Traffic calming and increasing City Court revenue by establishing: 1) Schedule of Fines for Speeding Offenses; 2) Potential for enhanced fine for speeding in neighborhoods; 3) Potential for enhanced fine for speeding in a school zone, as allowed by law.

**ATTACHMENTS:** Description of any attachments

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**PURPOSE:**

The purpose of this ordinance is to establish a schedule of fines for speeding offenses within the City, an enhanced fine structure for speeding in neighborhoods posted with a 20 m.p.h. speed limit at the City Judge's discretion, and an enhanced fine structure for speeding in school zones, at the City Judge's discretion. These changes will have a traffic calming effect will deter speeding and will also increase City Court Revenue to help offset additional expenses.

**BACKGROUND:**

Currently in our City Court, the City Judge has continued to apply an inherited policy of fining speeding offenders "\$1.00 per mile over the speed limit", for lack of a clear authority in our City Code to fine a larger amount, up to the constitutionally permissible Municipal Court fine limit of \$50 per offense.

This means that, for example, a speeder on Saturn Parkway could be guilty of driving 100 m.p.h. in a 70 m.p.h. zone, and the Court, by policy, is only able to fine the defendant \$30 for the offense. (A defendant running a stop sign within the City is currently fined the maximum fine of \$50 per offense.)



15-306(1) through (3) authorizes the City Judge to institute a schedule of fines in our City Court (exclusive of court costs and litigation taxes, etc.), as follows:

1 to 10 miles over the speed limit:	\$30 fine
11 to 20 miles over the speed limit:	\$40 fine
21 and above miles over the speed limit:	\$50 fine

15-306(4) authorizes the City Judge to use discretion in fining defendants up to \$50 (exclusive of courts costs and litigations taxes, etc.) who speed in neighborhoods with a posted speed limit of 20 m.p.h.

15-306(5) authorizes the City Judge to use discretion in fining defendants up to \$50 (exclusive of court costs and litigation taxes, etc.) who speed in school zones.

(State law reference: T.C.A. §55-8-152; Tennessee Constitution, Art. VI, §14)

**FINANCIAL IMPACT:**

In addition to having a traffic calming effect, these provisions will increase revenue in our City Court and help offset additional costs associated with increased city court expenses. Because of the judicial discretion involved in the applications of 15-306(4) and (5), it is difficult to determine the exact prospective revenue increase to the City.

**STAFF RECOMMENDATION:**

Favorable

**ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):**

This will take 2 readings (months) to adopt.