

ORDINANCE 14-14

AN ORDINANCE AMENDING TITLE 15, CHAPTER 1, SECTION 15-101 OF THE SPRING HILL MUNICIPAL CODE TO INCLUDE THEREIN ALL CLASS C MISDEMEANOR STATE OFFENSES THAT ARE ADOPTED WITHIN THE "RULES OF THE ROAD", T.C.A. §55-8-101, ET SEQ.

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill, desiring that the City be empowered to enforce all Class C Misdemeanors that are contained within the State requirements for operation of motor vehicles adopted within the "Rules of the Road" (T.C.A. §55-8-101, et seq.) for the public health, safety and welfare in the City of Spring Hill:

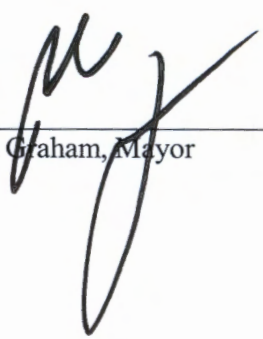
NOW THEREFORE,

SECTION I. BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Spring Hill that Title 15, Chapter 1, Section 15-101 of the Spring Hill Municipal Code be amended to read as follows:

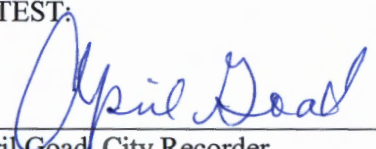
15-101. Adoption of state traffic statutes and regulations. The violation of the provisions of Tennessee Code Annotated, §55-8-101 through the end of Chapter 8 of that Title as now it exists, or as may hereafter be amended ("rules of the road") or of any other state traffic statute or regulation committed within the corporate limits of the City of Spring Hill, is hereby declared to be an offense of §15-705 of this code. This provision shall not apply to offenses over which the state courts have been given exclusive jurisdiction. To the extent that the remaining provisions in this title and chapter are inconsistent, the more restrictive provision shall apply. (Ord. #09-13, March 2009).

SECTION II. 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 19th day of May, 2014.


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 14-14**

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

DATE: April 11, 2014

RE: Amendment to City Code Section 15-101 to include all additional "Rules of the Road" offenses adopted by the Tennessee Legislature since Ord. #09-13 (March 2009), and allowing all future amendments to the Rules of the Road that are justiciable in City Court to be prospectively "swept into" the City Court's jurisdiction without further action by the BOMA, as allowed by law.

ATTACHMENTS: 1) Annotated .pdf of the current Table of Contents from Title 55, Chapter 8 of the Tennessee Code Annotated: "Operation of Vehicles" --- Rules of the Road

PURPOSE:

The purpose of this ordinance is to update the City Court's jurisdiction to include all properly justiciable Class C Misdemeanor violations that have been adopted by the Tennessee Legislature as a part of the "Rules of the Road", since our City Code was adopted in March of 2009 (Ord. #09-13). Since that date, the Legislature has added 19 additional offenses to the "Rules of the Road" that our officers cannot enforce in city court, because we have not yet passed a City Ordinance authorizing their enforcement within the City of Spring Hill.

Additionally, it is advisable to "sweep in" all prospective changes to the Rules of the Road that may hereafter be passed by the Tennessee Legislature, so that law enforcement may immediately begin policing these violations without having to seek authorizing enactments from the BOMA on a piecemeal basis in the future.

BACKGROUND:

By Ordinance #09-13, in March of 2009 the BOMA adopted City Code Section 15-101, which authorized the City to adopt and enforce T.C.A. 55-8-101 to 55-8-180, from the "Rules of the Road" in Tennessee. The "Rules of the Road" now includes 19 additional code sections, including transporting a child in a truck bed, failure to yield right of way,



and texting while driving, to name a few. Without this ordinance change, we are unable to enforce these additional violations of law within our City because the BOMA has not yet included these offenses as justiciable offenses in our City Court.

Additionally, we will have to seek Ordinance updates frequently, when the Tennessee Legislature adds additional sections to the "Rules of the Road" in the future, unless the BOMA includes a "sweep" provision which will automatically pull all future-adopted legislation enforceable in our City Court into our current City Code jurisdiction over "Rules of the Road" offenses.

(State law references: T.C.A. §55-8-101, et seq.; T.C.A. §16-18-302(a)(2)
Spring Hill Municipal Code reference: 15-101)

FINANCIAL IMPACT:

Because the City has not been authorized to enforce these violations of law in the past, there is no history of the frequency of occurrence of these violations that could provide a guide for prospective additional City Court revenue attributable to the suggested change.

What can be confidently stated is that enforcement should enhance public safety within our City, and should bring increased City Court revenue, by virtue of the expanded City Court jurisdiction attributable to the enforcement of these additional violations of State law.

STAFF RECOMMENDATION:

Approval

ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):

This will take 2 readings (months) to adopt.