

RESOLUTION 02-28

**A RESOLUTION SUPPORTING THE PASSAGE OF THE
PROPOSED AMENDMENT TO ARTICLE 6, SECTION 14, ALSO
KNOWN AS QUESTION 2**

WHEREAS, Tennessee's cities and towns fulfill a vital role in protecting public health and safety, promoting livable communities, and preserving community heritage; and

WHEREAS, Tennessee's cities and towns enact and enforce ordinances that protect, promote, and preserve community health, safety, quality of life, and community heritage; and

WHEREAS, the Tennessee Supreme Court ruled in 2001 that fines of more than \$50 for municipal ordinance violations are not permissible if the purpose of such fines is to punish a violator; and

WHEREAS, the Tennessee Supreme Court ruling was based on the Court's interpretation of the original Tennessee Constitution of 1796, which provides in Article 6, Section 14, that "No fine shall be laid on any citizen of this State that shall exceed Fifty Dollars, unless it shall be assessed by a jury of his peers;" and

WHEREAS, cities are not authorized to hold jury trials; and

WHEREAS, in 1796, a potential fine of \$50 was a meaningful sanction with a considerable deterrent effect; and

WHEREAS, today, a potential fine of \$50 is not always a meaningful deterrent, leaving cities with little ability to deter illegal activity that threatens the health and safety of our families, our neighborhoods, our businesses, and our communities; and

WHEREAS, the Tennessee General Assembly approved a proposed amendment to the Tennessee Constitution; and

WHEREAS, the proposed amendment will appear as Question 2 on the ballot for the General Election on November 5; and

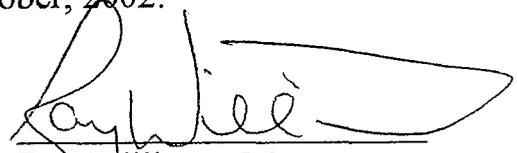
WHEREAS, the amendment would require the General Assembly to set limits on fines assessed without a jury; and

WHEREAS, passage of the amendment would allow for meaningful enforcement of public health and safety ordinances.

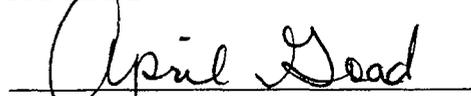
NOW, THEREFORE, BE IT RESOLVED, that the City of Spring Hill, Tennessee passage of the proposed amendment to Article 6, Section 14 of the State Constitution, also known as Question 2; and

BE IT FURTHER RESOLVED that the City urges its citizens to vote "YES" on Question 2 to promote and protect public health and safety.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, on the 21st day of October, 2002.


Ray Williams, Mayor

ATTEST:


April Goad, City Recorder

APPROVED AS TO FORM:


Andrew Hoover, City Attorney