

ORDINANCE NO.: 2014-08

AN ORDINANCE TO AMEND TITLE 3, CHAPTER 1, SECTION 3-110, OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO MUNICIPAL COURT COSTS.

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Whereas, the Municipal Court Reform Act of 2004 T.C.A. § 16-18-304 provides for municipalities to set and collect municipal court costs in an amount prescribed by ordinance; and

Whereas, the Town of Signal Mountain has determined that in order to maintain and improve the operation of the court it is in the best interest of the Town to modify current court costs as provided to keep up with the increasing financial demands upon the Town and the costs attendant to the administration of the Court.

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 3, Chapter 1, Section 3-110, of the Signal Mountain Town Code is deleted in its entirety and the following substituted in lieu thereof:

Section 3-110 Imposition of Fines, Penalties, Taxes and Costs

- (1) In all cases heard and determined in the municipal court of the Town of Signal Mountain for the violation of ordinances of said Town:
  - (a) The Judge shall impose court costs, in addition to all fines and penalties, in the amount of \$75.25 (Seventy Five Dollars and Twenty Five Cents).
  - (b) A \$5.00 (Five Dollars) Continuance Fee shall be assessed when a continuance is requested by the defendant (after the first free continuance).<sup>1</sup>
  - (c) Contempt of Court shall be punished by a fine of \$50.00 (Fifty Dollars), or such lesser amount as may be imposed at the Judge's discretion.
  - (d) The Clerk shall add to any cost bill any additional state taxes and fees as prescribed by law.<sup>2</sup>
  
- (2) In all State criminal cases heard and determined in the court of general sessions of the Town of Signal Mountain:
  - (a) The Judge shall impose court costs, in addition to all fines and penalties, in the amount of \$83.50 (Eighty Three Dollars and Fifty Cents).
  - (b) Costs, taxes, fines and fees shall be imposed as set forth by state law.<sup>2</sup>
  - (c) A Citation in Lieu of Arrest fee of \$25.00 (Twenty Five Dollars) will be imposed as necessary.

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<sup>1</sup>T.C.A. § 8-21-401, § 16-18-304, § 16-18-305(a), § 67-4-602

<sup>2</sup>T.C.A. § 16-18-304, § 16-18-305(a), § 67-4-602(d)

- (c) Arrest, Transportation, Bail Bond and Service of Process fees shall be imposed as set forth by state law.<sup>3</sup>
- (d) Head and Spinal Cord Injury fees shall be imposed as set forth by state law.<sup>4</sup>
- (e) Alcohol and drug related offense fees shall be imposed as set forth by state law.<sup>5</sup>
- (f) A Jail Fee shall be imposed as necessary as set forth by the Hamilton County Board of Commissioners Resolution No. 511-3 as said Resolution now exists or is hereafter amended or replaced.
- (g) Fees for expungements will be collected and disbursed as required by state law.<sup>6</sup>

(3) All fines from drug offenses shall be disbursed as required by state law.<sup>7</sup>

SECTION 2. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. That this ordinance shall become effective immediately from and after its passage as required by law.

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<sup>3</sup>T.C.A. § 8-21-901

<sup>4</sup>T.C.A. § 68-55-301 through 68-55-306

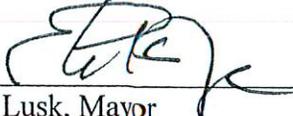
<sup>5</sup>T.C.A. § 39-17-428, § 55-10-401

<sup>6</sup>T.C.A. § 8-21-401, § 40-32-101

<sup>7</sup>T.C.A. § 39-17-428

Passed First Reading August 11, 2014

Passed Second Reading September 8, 2014

  
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Bill Lusk, Mayor

  
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Recorder