

ORDINANCE NO. 211

AN ORDINANCE TO AMEND MOUNT CARMEL MUNICIPAL CODE TITLE 3 "MUNICIPAL COURT", CHAPTER 3 "WARRANTS, SUMMONSES, AND SUBPOENAS" BY ADDING SECTIONS AUTHORIZING THE ISSUANCE OF CITATIONS AND SUMMONSES IN LIEU OF ARREST IN NON-TRAFFIC CASES.

WHEREAS, Pursuant to Tennessee Code Annotated sec. 7-63-101 et seq., the Board of Mayor and Aldermen is authorized to appoint persons with the authority to issue citations in lieu of arrest; and

WHEREAS, The Board of Mayor and Aldermen wishes to exercise such authority by appointing persons from the Fire Department, Building Inspection Department and the Animal Control Department to issue such citations; and

WHEREAS, The best interests of the citizens and their health and welfare will be served by it;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, AS FOLLOWS:

Section 1. Mount Carmel Municipal Code, Title 3 "Municipal Court", Chapter 3 "Warrants, Summonses, and Subpoenas" shall be amended by adding the following sections:

3-304. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated §7-63-101, et seq., the board of mayor and aldermen appoints the Fire Chief, or his designee, in the fire department and the Building Inspector, or his designee, in the building department special police officers having the authority to issue citations in lieu of arrest. The Fire Chief, or his designee, in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in this municipal code of ordinances. The Building Inspector, or his designee, in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated §7-63-101.

3-305. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated §7-63-201, et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the Animal Control Officer or his designee in the Police department and the Public Utilities Board Manager, or his designee, in the sewer department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

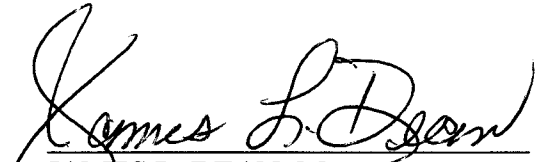
The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in Section 3-304 above.

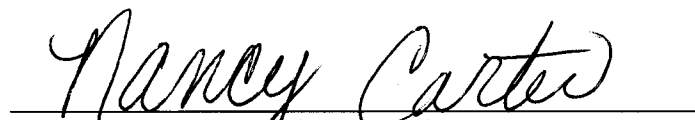
It shall be unlawful for any person to violate this agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

Section 2. Legal Status Provisions.

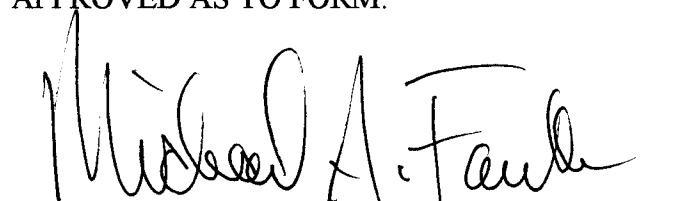
- A. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.
- B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- C. Effect Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.


JAMES L. DEAN, Mayor

ATTEST:


NANCY CARTER, City Recorder

APPROVED AS TO FORM:


MICHAEL A. FAULK, City Attorney

FIRST READING	AYES	NAYS	OTHER
WAYNE ALLEY	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR	—		
GARY LAWSON	absent		
THOMAS WHEELER	✓		
CARL WOLFE	✓		
TOTALS	5	0	

PASSED FIRST READING: 11-18-99

SECOND READING	AYES	NAYS	OTHER
WAYNE ALLEY	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR	—		
GARY LAWSON	✓		
THOMAS WHEELER	✓		
CARL WOLFE	✓		
TOTALS	6	0	

PASSED SECOND READING: 12-14-99

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