

ORDINANCE NO. BL2010-793

An Ordinance amending Title 1, Title 5, Title 6, Title 11, and Title 12 of the Metropolitan Code pertaining to fines and penalties for violations of ordinances, resolutions, rules, regulations, or orders of the Metropolitan Government.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 1.01.030 of the Metropolitan Code is hereby amended by adding the following new subsections (C), (D), (E), (F), (G), and (H):

- (C) Any person electing to plead guilty and pay a fine in lieu of appearing in court for any moving metropolitan traffic violation shall pay a \$50 fine.
- (D) Any person electing to plead guilty and pay a fine in lieu of appearing in court for any metropolitan non-moving traffic violation shall pay a \$35 fine, with the exception of a violation of T.C.A. 55-9-603 (Seat Belt) charged as a metropolitan violation pursuant to 12.08.160, for which the fine shall be \$20.
- (E) Any person electing to plead guilty and pay a fine in lieu of appearing in court for a violation of Section 12.44.040 subsections A and B, as they pertain to parking meters, shall pay a fine of \$10 for each violation.
- (F) Any person electing to plead guilty and pay a fine in lieu of appearing in court for a violation of Section 12.44.040 subsection C, as it pertains to overtime parking at parking meters, shall pay a fine of \$15.
- (G) Any person electing to plead guilty and pay a fine in lieu of appearing in court for all other parking violations shall pay a fine of \$10 unless otherwise specified.
- (H) Any person eligible and electing to plead guilty and pay a fine in lieu of appearing in court for any other violation of an ordinance, resolution, rule, regulation, or order of the metropolitan government shall pay a \$50 fine for each separate violation.

Section 2. That Section 1.24.030 of the Metropolitan Code is hereby amended by adding the following new subsection (E):

- (E) Failure to answer a citation for a violation of an ordinance, resolution, rule, regulation, or order of the metropolitan government within 45 days or to appear at a scheduled court date on the citation shall result in the fine amount being increased to \$50 for each violation.

Section 3. That Section 5.32.150 of the Metropolitan Code is hereby amended by deleting the final sentence of subsection (A) in its entirety and deleting subsection (B) in its entirety and replacing it with the following:

- (B) A violation of this section shall be punishable as a non-moving traffic violation according to the provisions of Section 1.01.030.

Section 4. That Section 6.72.500 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

Section 6.72.500 - Violation -- Penalties

- (A) All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- (B) Notwithstanding any provision contained herein, the commission shall have the authority to enforce the provisions of this chapter.

Section 5. That Section 6.74.500 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

Section 6.74.500 - Violation -- Penalties

- (A) All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- (B) Notwithstanding any provision contained herein, the commission shall have the authority to enforce the provisions of this chapter.

Section 6. That Section 6.80.585 of the Metropolitan Code is hereby amended by deleting subsection (A) it in its entirety and replacing it with the following:

- (A) All provisions of this chapter shall be governed by the penalties for general ordinance violations found in Section 1.01.030. Each twenty-four hour period a violation of any of the provisions of this chapter continues shall constitute a separate violation.

Section 7 That Section 11.26.060 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

- (B) All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations found in Section 1.01.030.

Section 8. That Section 12.08.170 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

Section 12.08.170 - Violations of regulations adopted by traffic and parking commission — Penalty

(A) Each violation of a traffic regulation adopted by the metropolitan traffic and parking commission and filed with the metropolitan clerk shall constitute a separate offense, punishable by a fine of not less than one dollar nor more than fifty dollars.

(B) All violations of subsections A and B of Section 12.44.040, as they pertain to parking meters, shall be punishable by a fine of ten dollars for each separate offense. All violations of subsection C of Section 12.44.040, as it pertains to overtime parking at parking meters, shall be punishable by a fine of fifteen dollars for each separate offense.

(C) Unless otherwise specified, all other parking violations shall be punishable by a fine of ten dollars for each separate offense.

Section 9. That Section 12.32.090 of the Metropolitan Code is hereby amended by deleting the section and replacing it with the following:

12.32.090 - Equipment and other nonmoving violations—Nullification procedures

- (A) The circuit court clerk is authorized to establish a nullification program in the traffic violations bureau for eligible equipment and non-moving violations. Violators can appear at the traffic violations bureau and present proof that the defect has been corrected within 45 days from the date of the violation. There shall be a fee of \$12 whenever a non-moving traffic violation is nullified by the traffic violations bureau or is dismissed by the general sessions court after correction of the violation. This fee may be waived by the general sessions court judges in cases of financial hardship.
- (B) Violations of T.C.A. 55-12-139 (Financial Responsibility Law) charged as a metropolitan violations pursuant to 12.08.160 will be dismissed as follows:
 - (1) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed.
 - (2) Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection (B) shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.
 - (3) A person who did not have financial responsibility that was in effect at the time of being charged with a violation of T.C.A. 55-12-139 as a metropolitan violation pursuant to 12.08.160 shall not have that person's violation dismissed.

Section 10. That Section 12.40.040 of the Metropolitan Code is hereby amended by deleting subsection (C) in its entirety and replacing it with the following:

- (C) The owner of any personal property or motor vehicle found in violation of subsection (A)(1)(e) of this section shall be subject to a fine in the amount of fifty dollars, which shall be assessed by the issuance of a parking citation.

Section 11. That Section 12.40.090 of the Metropolitan Code is hereby amended by deleting subsection (C) in its entirety and replacing it with the following:

- (C) The owner of any personal property or motor vehicle found in violation of this section shall be subject to a fine in the amount of fifty dollars, which shall be assessed by the issuance of a parking citation.

Section 12. That Section 12.41.070 of the Metropolitan Code is hereby amended by deleting subsection (A) in its entirety and replacing it with the following:

- (A) Violators shall be assessed a fifty dollar fine for failing to conduct valet service in the manner prescribed by this chapter. The fine for operating a valet parking area on public property without a permit issued by the commission shall be fifty dollars per day for each day it is established that the operation existed.

Section 13. That Section 12.42.110 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

Section 12.42.110 - Penalties

- (A) The chief traffic engineer is authorized to revoke the residential parking permit of any permittee found to be in violation of the provisions of this article and upon written notification thereof the permittee shall surrender such permit to the traffic and parking commission.
- (B) Any violation of a provision of this article shall be punishable by a fine of not more than fifty dollars.

Section 14. That Section 12.42.190 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

Section 12.42.190 - Penalties

- (A) The chief traffic engineer is authorized to revoke the downtown area residential parking permit of any permittee found to be in violation of the provisions of this article and upon written notification thereof the permittee shall surrender such permit to the traffic and parking commission.
- (B) Any violation of a provision of this article shall be punishable by a fine of not more than fifty dollars.

Section 15. That Section 12.54.200 of the Metropolitan Code is hereby amended by deleting subsection (C) in its entirety.

Section 16. That Section 12.84.010 of the Metropolitan Code is hereby amended by deleting subsection (B) in its entirety, and deleting the title of the section and subsection (A) and replacing them with the following:

12.84.010 – Violation--Penalties

- (A) The following non-moving traffic violations are punishable according to the provisions of Section 1.01.030:

Section 17. That Section 12.84.020 of the Metropolitan Code is hereby amended by deleting subsection (B) in its entirety, and deleting the title of the section and subsection (A) and replacing them with the following:

12.84.020 – Violation--Penalties

- (A) The following moving traffic violations are punishable according to the provisions of Section 1.01.030:

Section 18. That Section 12.84.030 of the Metropolitan Code is hereby amended by deleting subsection (B) in its entirety, and deleting the title of the section and subsection (A) and replacing them with the following:

12.84.030 – Violation -- Penalties

- (A) The following moving traffic violations are punishable according to the provisions of Section 1.01.030:

Section 19. The provisions of this ordinance shall become effective on January 1, 2011.

Section 20. This ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

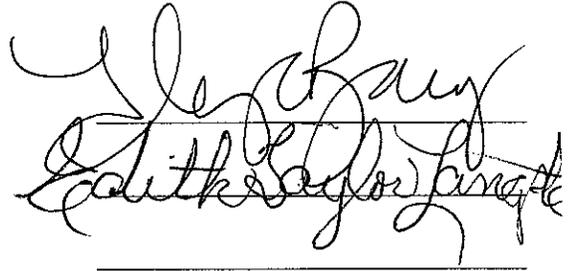


Richard R. Rooker
Davidson County Circuit Court Clerk

APPROVED AS TO AVAILABILITY OF FUNDS:



Director of Finance



Member(s) of Council

APPROVED AS TO FORM AND LEGALITY:



Assistant Metropolitan Attorney