

TITLE

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 3-104, TITLED "CONTEMPT OF COURT," TO CLARIFY JUDICIAL AUTHORITY TO PUNISH FOR CONTEMPT OF COURT IN CITY COURT AS AUTHORIZED BY TENNESSEE CODE ANNOTATED §16-1-103, §16-18-306, AND §29-9-102, AND CITY CODE §3-206.

WHEREAS, pursuant to Tennessee Code Annotated §16-1-103, every court is vested with the power to punish for contempt of court; and

WHEREAS, City Code §3-206 gives the city judge the power to punish for contempt of court; and

WHEREAS, as set forth in Tennessee Code Annotated §29-9-102, contempt of court is limited to willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law; and

WHEREAS, contempt of a municipal court is punishable by a maximum fine of fifty dollars (\$50.00) by Tennessee Code Annotated §16-18-306; and

WHEREAS, the Honorable Robert A. McNeese, III, City Judge, has requested an amendment to the City Code to clarify judicial authority for contempt of court.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 3, titled "Municipal Court," Chapter 1, titled "City Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by creating a new Section 3-104, titled "Contempt of court," which new section shall read as follows:

Sec. 3-104. Contempt of court.

The judge of the city court shall have the power to punish for contempt of court. Contempt of court is defined as willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law. A violation of this section is punishable by a fifty dollar (\$50.00) fine.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

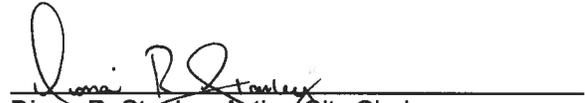
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Thomas L. Beehan, Mayor



Diana R. Stanley, Acting City Clerk

First Reading: 7/11/11
Publication Date: 7/18/11
Second Reading: 8/08/11
Publication Date: 8/15/11
Effective Date: 8/18/11