

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 1, TITLED "IN GENERAL," SECTION §15-101, TITLED "DEFINITIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY UPDATING THE INTRODUCTORY LANGUAGE OF THE SECTION AND BY ADDING A NEW DEFINITION FOR THE WORD "CITATION"; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 4, TITLED "COURT ADMINISTRATION," BY CREATING A NEW SECTION 3-410, TITLED "ELECTRONIC TRAFFIC CITATION REGULATIONS AND FEES."

WHEREAS, Tennessee Code Annotated §55-10-207 was recently amended by 2014 Public Chapter 750, which public chapter authorizes electronic citations (e-citations) to be issued and establishes a five dollar (\$5.00) e-citation fee to recover costs associated with both written and electronic traffic citations; and

WHEREAS, the City desires to amend the City Code to include electronic citations in the definition of "citation" and to establish the e-citation fee as authorized by state law.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the word "chapter" in the introductory language and replacing it with the word "title," and by creating a new subsection for the word "citation," which new subsection shall be inserted alphabetically within the section and re-designating the remaining subsections accordingly, and which new subsection shall read as follows:

Section 15-101. Definitions.

The following words and phrases, when used in this title, have the meanings respectively ascribed to them in this section:

- (\_) "Citation." "Citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

Section 2. Title 3, titled "Municipal Court," Chapter 4, titled "Court Administration," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 3-410, titled "Electronic traffic citation regulations and fees," which new section shall read as follows:

Section 3-410. Electronic traffic citation regulations and fees.

- (a) *Establishment of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), the court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) for each traffic citation—whether written or electronic—resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges.
- (b) *Distribution of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), one dollar (\$1.00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the city police department.

(c) *Use of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), all funds derived from the electronic traffic citation fee that are transmitted to the city police department shall be accounted for in a special revenue fund of the police department and may only be used for the following purposes:

- (1) Electronic citation system and program related expenditures; and
- (2) Related expenditures by the police department for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

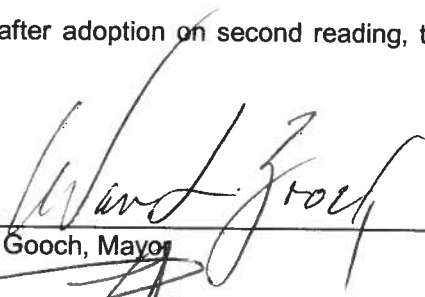
Pursuant to Tennessee Code Annotated §55-10-207(e), all funds derived from the electronic traffic citation fee set aside for court clerks shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

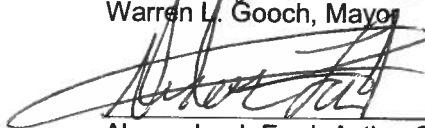
Section 3. Sunset provision. This ordinance and its fee requirement shall terminate five (5) years from the date of adoption of this ordinance and the City Code shall be so annotated.

Section 4. 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. Kruskenski, City Attorney

  
Warren L. Gooch, Mayor

  
Alexander J. Ford, Acting City Clerk

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