

Ordinance No. 22-010

AN ORDINANCE AMENDING TITLE 3, CHAPTER 1 OF THE TOWN OF KINGSTON SPRINGS MUNICIPAL CODE TO AMEND COURT COSTS, LEVY A LOCAL LITIGATION TAX, PROVIDE FOR FORFEITURE FOR CITATION BY MUNICIPAL COURT AND TO CORRECT CERTAIN OTHER PROVISIONS

WHEREAS, Tennessee Code Annotated § 16-18-304 provides that municipalities can set and collect reasonable court costs, and Tennessee Code Annotated § 67-4-601 provides that municipalities can levy and collect local litigation taxes; and

WHEREAS, Title 3, Sections 3-113 and 3-114 of the Town of Kingston Springs Municipal Code provides for the imposition of court costs and forfeitures for citations issued by the municipal court, however, said Sections do not levy a local litigation tax; and

WHEREAS, the Town of Kingston Springs Board of Commissioners has determined that it is in the best interest of the Town to increase its court costs to better cover the expenses of court incurred by the Town; and

WHEREAS, the Town of Kingston Springs Board of Commissioners has also determined that it is in the best interest of the Town to levy and collect a local litigation tax; and

WHEREAS, the Town of Kingston Springs Board of Commissioners has further determined that it is in the best interest of the Town to amend the provision for forfeiture for citations issued to the Town's municipal court;

WHEREAS, the Town of Kingston Springs Board of Commissioners has further determined that certain errors and/or updates need to be addressed within Title 3, Chapter 1.

NOW, THEREFORE, BE IT ORDAINED by the Town of Kingston Springs Board of Commissioners that Title 3 of the Town Municipal Code shall be amended by replacing the language of the current title with the following:

3-101. Town judge.

(1) Qualifications. The town judge of the Municipal Court of the Town of Kingston Springs shall be a regularly licensed practicing attorney as authorized by the Supreme Court of the State of Tennessee. Further, said town judge shall be a person of good moral character, learned in the laws and well versed in the practice of law.

The town judge shall try all cases pending before the municipal court having jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the town. Said town judge appointed by the mayor and board of commissioners shall have the power and authority to impose fines, costs and forfeitures, and to punish by fine for violation of town ordinances; it shall further be the duty of the town judge to preserve and enforce orders of the municipal court as it shall relate to the collection to all such fines, costs and forfeitures imposed and in default of the payment, of good and sufficient security given for the payment of any such fines, costs of forfeitures imposed, to execute upon said surety.

The court clerk shall keep or cause to be kept a court docket embodying complete detailed records of all cases so handled in the municipal court.

(2) Compensation. As compensation for serving as the town judge of the Municipal Court for the Town of Kingston Springs, Tennessee, sitting on a monthly basis, the town judge shall receive the sum of two hundred fifty dollars (\$250.00). Said compensation for the town judge shall be paid out of the general fund of the Town of Kingston Springs, Tennessee and shall not be paid from any fines, costs or forfeitures received by virtue of holding municipal court.

3-102. Maintenance of docket. The court clerk shall keep a complete docket of all matters coming before him/her in his/her judicial capacity. The docket shall include for each defendant such information as defendant's name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information that may be relevant.

3-103. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his/her discretion, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges filed against him/her. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him/her, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

3-104. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he/she believes will be relevant and material to matters coming before his/her court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

3-105. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court.

3-106. Imposition of fines, penalties and costs. All fines, penalties, and costs shall be imposed and recorded by the court clerk on the town court docket in open court. In all cases heard or determined by him/her, the town judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions for similar work in state cases.

3-107. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him/her may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

3-108. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in the sum approved by the city judge for such person's appearance or the faithful prosecution of the appeal; provided, that in prosecutions for violations of city ordinances, the bond shall not exceed two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his/her sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit (cash bond) or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable.

3-109. Disposition and report of fines, penalties and costs. All funds coming into the hands of the town judge in the form of penalties, costs, and forfeitures are recorded daily by the court recorder. Each quarter the court recorder shall submit to the board of commissioners a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his/her court during previous quarter.

3-110. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

3-111. Court Costs. (a) The amount of court costs to be imposed upon those citations and warrants that come before the municipal court shall be the sum of One Hundred Forty-six and 50/100 Dollars (\$146.50). One Dollar (\$1.00) of the court costs shall be forwarded by the Court Clerk to the State Treasurer to be used by the Administrative Office of the Courts for training and continuing education courses for municipal court judges and municipal court clerks. This imposition of court costs is not inclusive of the state litigation tax required by law to be collected by the Town.

In addition to the collection of court costs and the state litigation tax, the municipal court shall levy a local litigation tax in the amount of Thirteen and 75/100 Dollars (\$13.75) in all cases in which the state litigation tax is levied in accordance with *Tennessee Code Annotated* § 16-18-305.

It shall be the duty of the Municipal Court Clerk and any deputy clerks to collect the aforesaid costs and taxes and remit same to the respective governmental entity entitled thereto.

(b) When a person has been charged with violation of an ordinance regarding vehicle equipment (including, but not limited to inoperable headlights, tail lights, brake lights or turn signals), driver licensing, or vehicle licensing and registration, the charge may be dismissed if the person charged with the violation submits evidence of compliance with such law on or before the court date; provided, however, that the town judge may establish a separate court cost not to exceed fifty (\$50) to be collected from the person charged with the violation. This separate court cost will be assessed in lieu of the court costs detailed in Section 3-111(a).

3-112. Forfeitures on citations issued by the municipal court. Those persons cited to appear before the Municipal Judge of the Municipal Court of the Town of Kingston Springs, Tennessee, may make a payment to the court in advance of a court date, and such payment will be treated as a forfeiture. In these instances, those who make this payment and its subsequent forfeiture will not be considered having failed to appear in Municipal Court and will not be in violation of Section 3-115 of the Town of Kingston Springs Municipal Code. Those offenses, together with the sum which will be accepted as a forfeiture without court appearance are as follows:

<u>Offense</u>	<u>Cashbond Total</u>
Speeding 0-14 mph over	\$200.00
Speeding 15+ mph over	\$210.00
Violation of Light Law	\$190.00
Violation of Light Law (when proof is provided light has been fixed)	\$50.00
Failure to Obey Traffic Control Device	\$200.00
Violation of Registration Law	\$190.00
Violation of Registration Law (when proof is provided registration has been corrected)	\$50.00
Violation of Insurance Law	\$224.00
Improper Passing	\$200.00
Other Moving Violations Not Listed	\$200.00
Littering	\$225.00
Reckless Driving	\$225.00

3-113. Failure to appear in municipal court and penalty therefor. Any person who intentionally, knowingly or willingly fails to appear in the municipal court on the date and time specified on a citation or other process issued from the municipal court is guilty of a separate municipal offense, and upon being found guilty shall be punished by a fine of not more than fifty dollars (\$50.00). Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful. The separate municipal offense of failure to appear shall be subject to court costs as provided in § 3-111.

This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

Passed on First Reading Oct. 20, 2022
Public Hearing NOV. 17, 2022
Passed on Second Reading NOV. 17, 2022

Francis A. Gross III
Francis A. Gross III, Mayor of Kingston Springs, Tennessee

ATTEST:

Jamie Dupré
Jamie Dupré, Town Recorder

APPROVED AS TO FORM:

[Signature]
City Attorney