

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

1. TOWN COURT.
2. MUNICIPAL ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1**TOWN COURT****SECTION**

- 3-101. Town judge.
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- 3-109. Disposition and report of fines, penalties and costs.
- 3-110. Disturbance of proceedings.

¹Charter references

For provisions of the charter governing the city judge and city court operations, see *Tennessee Code Annotated*, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City court operations:

Appeals from judgment: 6-21-508.

Appearance bonds: 6-21-505.

Arrest warrants: 6-21-504.

Docket maintenance: 6-21-503.

Fines and costs:

Amounts: 6-21-502, 6-21-507.

Collection: 6-21-507.

Disposition: 6-21-506.

City judge:

Appointment and term: 6-21-501.

Jurisdiction: 6-21-501.

Qualifications: 6-21-501.

3-111. Court costs.

3-112. Forfeitures on citations issued by the municipal court.

3-113. Failure to appear in municipal court and penalty therefor.

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. (1996 Code, § 3-101, modified, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-102, modified, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-104, modified, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-105, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-106, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-108, modified, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-109, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-110, as replaced by Ord. #22-010, Nov. 2022 **Ch2_11-17-22**)

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. (as replaced by Ord. #22-010, Nov. 2022 **Ch2_11-17-22**)

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. (1996 Code, § 3-112, as replaced by Ord. #22-010, Nov. 2022 **Ch2_11-17-22**)

3-111. Court costs. (1) 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.

(2) 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 dollars (\$50.00) 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 § 3-111(1). (1996 Code, § 3-113, modified, as replaced by Ord. #22-010, Nov. 2022 **Ch2_11-17-22**)

3-112. Forfeitures for 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 § 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:

Offenses	1st offense
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

(1996 Code, § 3-114, modified, as replaced by Ord. #22-010, Nov. 2022 *Ch2_11-17-22*)

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. (1996 Code, § 3-115, as replaced by Ord. #22-010, Nov. 2022 **Ch2_11-17-22**)

CHAPTER 2

MUNICIPAL ADMINISTRATIVE HEARING OFFICER¹

SECTION

3-201. Municipal administrative hearing officer.

3-202. Jurisdiction and procedure before the administrative hearing officer.

3-203. Judicial review of final order.

3-201. Municipal administrative hearing officer. (1) In accordance with *Tennessee Code Annotated*, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the Town of Kingston Springs Municipal Code regulating building and property maintenance, including:

(a) Town of Kingston Springs municipal, building, utility, and property maintenance codes contained in title 12, chapters 1, 2, 3, 4, 9, 10, 11 and 12 of the Town of Kingston Springs Municipal Code.

(b) Town of Kingston Springs Property Maintenance Regulations codified in title 13 of the Town of Kingston Springs Municipal Code.

(c) Town of Kingston Springs Refuse and Trash Disposal regulations codified in Title 17 of the Town of Kingston Springs Municipal Code.

(d) Town of Kingston Springs Zoning and Land Use Control regulations codified in title 14, chapters 2-6 of the Town of Kingston Springs Municipal Code.

(e) Ordinances regulating any subject matter commonly found in the codes mentioned.

(2) There is hereby created the position of administrative hearing officer to be appointed pursuant to *Tennessee Code Annotated*, title 6, chapter 54, § 1006.

(3) The amount of compensation for the administrative hearing officer shall be approved by the board of commissioners.

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the town manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in *Tennessee Code Annotated*, title 6, chapter 54, §§ 1001, *et seq.*, and as may hereafter be amended. (1996 Code, § 3-201, as amended by Ord. #20-010, Nov. 2020)

¹State law reference

Tennessee Code Annotated, §§ 6-54-1001, *et seq.*

3-202. Jurisdiction and procedure before the administrative hearing officer. The administrative hearing officer's jurisdiction shall be as set out in *Tennessee Code Annotated*, title 6, chapter 54, § 1002, and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of *Tennessee Code Annotated*, title 6, chapter 54, §§ 1001, *et seq.*, which provisions are adopted and incorporated herein by reference. (1996 Code, § 3-202)

3-203. Judicial review of final order. A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to *Tennessee Code Annotated*, title 6, chapter 54, part 10, which shall be the only available method of judicial review. (1996 Code, § 3-203)