



ORDINANCE 25-542

BEFORE THE MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL,
TENNESSEE

**AN ORDINANCE TO REPEAL AND REPLACE TITLE 3, CHAPTERS 1 THROUGH 4
OF THE MOUNT CARMEL MUNICIPAL CODE-2010 REGARDING MUNICIPAL
COURTS**

WHEREAS, Title 3 of the Mount Carmel Municipal Code-2010 needs to be updated to reflect changes in Tennessee law and standards, and to further detail the scope of jurisdiction, finance, operations, and functions of the municipal court.

NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee that:

SECTION 1. Title 3, Chapters 1 through 4 of the Mount Carmel Municipal Code is amended by repealing existing Title 3, Chapter 1 through 4 in their entirety, and replacing it with Title 3, Chapters 1 through 4 as contained in Exhibit A attached hereto.

SECTION 2. This ordinance shall take effect from and after the final passage upon second reading, and publishing as required.

Approved on First Reading July 24, 2025


Approved on Second Reading August 28, 2025

Approved as to Form:




Town Attorney

This Ordinance was duly considered and adopted by the Board of Mayor and Aldermen, on second reading, in and for the Town of Mount Carmel, Tennessee, this 28th day of **August 2025**.



John Gibson, Mayor

Attest


Tyler Williams, Town Recorder

EXHIBIT A – 2025 REPLACEMENT

TITLE 3 **MUNICIPAL COURT**

CHAPTER

1. MUNICIPAL JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1 **MUNICIPAL JUDGE**

SECTION

- 3-101. Municipal judge.
- 3-102. Jurisdiction.

3-101. Municipal judge.

- (1) Office created. Pursuant to the authority granted in state law and the town charter, there is hereby created and established for the Town of Mount Carmel, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted under the laws of Tennessee, and said judge shall be subject to the provisions of the laws governing the municipal court, as set out by the laws of the State of Tennessee.
- (2) Appointment. The municipal judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the municipal judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the municipal judge.
- (3) Qualifications. The municipal judge shall be a minimum of thirty (30) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Tennessee.
- (4) Term of office; vacancy. The municipal judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, said term beginning the first day of July and any incumbent judge shall serve during the term and until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen.
- (5) Judge pro tem. During the absence of the municipal judge from his duties for any reason or at any time the office of the municipal judge is vacant, the board of mayor and aldermen may appoint a municipal judge pro tem to serve until the municipal judge returns to his duties or the office of municipal judge is no longer vacant. The municipal judge pro tem shall have all the qualifications required, and powers, of the municipal judge.
- (6) Oath and bond. The municipal judge shall take the same oath of office as that prescribed for the mayor and, before entering upon the duties of this office, shall make bond in the

amount of five thousand dollars (\$5,000), the cost of said bond being paid by the Town of Mount Carmel.

- (7) Salary. The salary of the municipal judge shall be fixed by board of mayor and aldermen before his or her appointment and said salary shall not be altered during the term for which he or she is appointed.

3-102. Jurisdiction. The municipal judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of penalties and costs.
- 3-203. Disposition and report of penalties and costs.
- 3-204. Contempt of court.
- 3-205. Use of collections agency authorized.

3-201. Maintenance of docket. The court clerk in conjunction with the municipal judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; alleged offense(s); disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of Fines, Penalties, and Court Costs.

- (1) All fines and costs shall be imposed by the municipal judge and recorded by the municipal court clerk on the municipal court docket. The maximum fine amount shall be \$50.00, as identified in Article VI, Section 14 of the Tennessee Constitution. All fines or costs to the Town paid via credit or debit cards may be subject to a processing fee
- (2) Court Costs - In all cases heard and determined by him or her, the municipal judge shall impose court costs in the amount of one hundred and twenty-two dollars (\$122.00). Two dollars (\$2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance to Tennessee Code Annotated § 16-18-304(a) to be used by the Administrative Office of the Courts for training and continuing education courses for municipal court judges and municipal court clerks.
- (3) Court Costs for compliance dismissal prior to court date - When any person has been charged with violation of a law 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 municipal judge may establish a separate court cost not to exceed \$27.00 to be collected from the person charged with the violation. This separate court costs will be assessed in lieu of the court costs detailed in Section 3-202(2) above.

Two dollars (\$2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance with Tennessee Code Annotated § 16-18-304(a) to be used by the Administrative Office of the Courts for training and continuing education courses for municipal court judges and municipal court clerks.

- (4) **Litigation Taxes** - In all cases where the defendant is charged with the violation of a municipal ordinance or authorized state statute and is found guilty, whether by trial or plea of guilty, such defendant shall pay:

(a) The State litigation taxes of \$13.75 as defined in Tennessee Code Annotated § 67-4-601.

(b) Any other taxes and/or fees imposed pursuant to state statutes and/or municipal ordinances.

- (5) **Electronic citation regulations and fees.**

(a) As used in this section, "electronic 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.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Section 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

(c) Sunset provision. This Ordinance and its fee requirement shall terminate five (5) years from the date of adoption of this Ordinance and the Town's Municipal Code shall be so annotated.

3-203. Disposition and report of penalties and costs. All funds coming into the Town in the form of penalties, costs, and forfeitures shall be recorded by the court clerk. At the end of each month the court clerk shall submit to the Town Administrator/Manager for availability to the board of mayor and aldermen a report accounting for the collection or non-collection of all penalties and costs imposed by his or her court during the current month and to date for the current fiscal year.

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

3-205. Use of a collection agency authorized. In addition to all other remedies for collecting delinquent fines and costs owed to the town, the town may use the services of a collection agency pursuant to the procedures as set forth in Tennessee Code Annotated, § 40-24-105. (Ord. #267, Feb. 2004)

CHAPTER 3 **SUMMONSES AND SUBPOENAS**

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may, in his discretion, issue a summons ordering the alleged offender personally to appear before the municipal court at a time specified

therein to answer to the charges against them. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the municipal court as commanded in a summons lawfully served on him, 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.

3-302. Issuance of subpoenas. The municipal judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any person dissatisfied with any judgment of the municipal court against him may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

3-402. Bond amounts, conditions, and forms.

(1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(2) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, _____, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency.

The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated.

If approved by the Judge, the appeal bond may be waived or reduced

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

**Affidavit of Publication
TIMES NEWS**

701 Lynn Garden Drive • Kingsport
County of Sullivan, State of Tennessee

I, Ron Waite, being duly sworn upon oath, deposes and state that I am the publisher of the Times News, a daily newspaper published in the City of Kingsport, County of Sullivan, in the State of Tennessee. This Legal Notice contains a true and correct copy of what was published in the regular edition of said newspaper, in consecutive issues on the following dates:

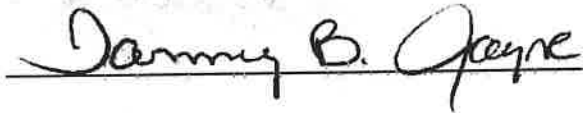
Publication Dates: 09/04/2025

Ad#: 12033 Ord 25-542

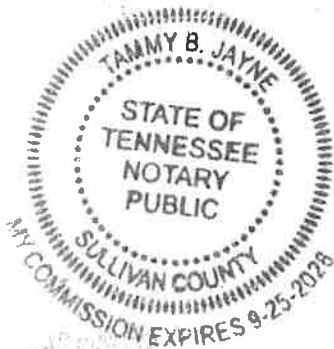


Ron Waite

Signed and sworn to before me
on 09/04/2025



Tammy B. Jayne - Notary Public
My commission expires: September 25, 2028



**TOWN OF MOUNT CARMEL,
TENNESSEE
PUBLIC NOTICE**

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ORDINANCE TO REPEAL AND
REPLACE TITLE 3, CHAPTERS
1 THROUGH 4 OF THE MOUNT
CARMEL MUNICIPAL
CDE-2010 REGARDING
MUNICIPAL COURTS, PASSED
SECOND READING
AUGUST 28, 2025.**

**Tyler S. Willams
Assistant City Manager/CFO
Town of Mount Carmel**

PUB. 1T: 09/04/2025