

ORDINANCE NO. 319

AN ORDINANCE TO AMEND THE MOUNT CARMEL MUNICIPAL CODE TO ADD "FAILURE TO APPEAR" AS AN OFFENSE, AND TO PROVIDE A PENALTY FOR ITS VIOLATION.

WHEREAS, Tennessee Code Annotated § 7-63-101 provides authority for officers to write citations in lieu of arresting violators of municipal ordinances;

WHEREAS, Tennessee Code Annotated § 7-63-102 requires offenders to sign an agreement to appear at a time and place indicated in the citation;

WHEREAS, Under Tennessee Code Annotated § 7-63-105, cities may by ordinance provide that failure to appear at the agreed time and place written in the citation is punishable as a municipal offense; and

WHEREAS, the Board of Mayor and Aldermen desires to make such failure to appear an offense punishable by fine;

Now, therefore,

BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE, THAT:

Section 1. Section 11-121, "Failure to appear," is added to Title 11, Chapter 1 of the Mount Carmel Municipal Code to read as follows:

11-121. Failure to appear. (1) It is a civil offense for any person in the Town of Mount Carmel who receives a citation in lieu of arrest for the violation of an ordinance, and signs an agreement and waiver as provided under Tennessee Code Annotated § 7-63-102, to fail to appear for trial at the time and place designated in the agreement.

(2) Violations of this section shall subject the offender to a fine of up to fifty dollars (\$50.00) for each offense.

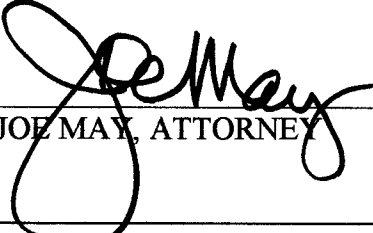
Section 2. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.


GARY LAWSON, Mayor

ATTEST


NANCY CARTER, Recorder,

APPROVED AS TO FORM:



JOE MAY, ATTORNEY

FIRST READING	AYES	NAYS	OTHER
Vice-Mayor Eugene Christian	✓		
Alderman Richard Gabriel	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk			absent
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley-Davidson			absent
TOTALS			

PASSED FIRST READING _____

SECOND READING	AYES	NAYS	OTHER
Vice-Mayor Eugene Christian	✓		
Alderman Richard Gabriel	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley-Davidson	✓		
TOTALS	7	0	0

PASSED SECOND READING 1-23-07

PUBLISHED DATE: NEWSPAPER: <u>Kingsport Times</u>
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KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN February 1, 2007

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 1-27-07, and appearing 1 consecutive weeks times, as per order of _____

Town of Mount Carmel

Signed Gabe C. Huskey

THE Town of Mount Carmel, TN passed Ordinance 319 January 23, 2007. The Ordinance amends Municipal Code to add "Failure to Appear" as an offense, and to provide a penalty for its violation.
PUB1T:1/27/2007

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 1st day of February 2007, Gabe C. Huskey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards

NOTARY PUBLIC

My commission expires 6-26-07

