

ORDINANCE NO. 1143

AN ORDINANCE TO AMEND TITLE 3, CHAPTER II OF THE ATHENS CITY CODE, RELATIVE TO THE IMPOSITION OF PENALTIES AND COURT COSTS IN ATHENS MUNICIPAL COURT.

WHEREAS, the Athens City Council finds it necessary and appropriate to revise the court costs imposed in City Court to better reflect current administrative costs and statutory obligations; and

WHEREAS, the current court cost structure was last amended in June 2014 by Ordinance No. 1028, and the Athens City Council now deems it necessary to update said costs; and

WHEREAS, the Tennessee General Assembly enacted Senate Bill 1089 / House Bill 748 (2025 Public Chapter Number 459), amending Tennessee Code Annotated, Section 16-18-304(a), to increase the municipal court training fee from one dollar (\$1.00) to two dollars (\$2.00) effective July 1, 2025;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE:

SECTION 1.

That Title 3, Chapter II, Section 3-26 of the Athens City Code is hereby amended by deleting the following in its entirety:

3-26 Imposition Of Penalties And Costs

- 1) All penalties and costs shall be imposed by the city judge and recorded by the court clerk on the city court clerk docket in open court.
- 2) In all cases heard and determined by him, the city judge shall impose court costs in the amount of \$90.00. From the court costs, \$1.00 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 (Reference: TCA § 16-18-304).
- 3) Defendants who are designated to appear in court and fail to do so shall be imposed an additional court cost of \$20.00. Additionally, the state litigation tax (Reference: TCA § 16-18-305) is imposed and included in the \$90.00 court costs.

and substituting with the following:

3-26 Imposition of Penalties and Costs

- 1) All penalties and costs shall be imposed by the city judge and recorded by the court clerk on the city court clerk docket in open court.
- 2) In all cases heard and determined by the city judge, the city judge shall impose court costs in the amount of one hundred twenty dollars (\$120.00). From the court costs, two dollars (\$2.00) 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 in accordance with Tennessee Code Annotated § 16-18-304.
- 3) Defendants who are designated to appear in court and fail to do so shall be imposed an additional court cost of twenty dollars (\$20.00).
- 4) A state privilege tax on litigation of thirteen dollars and seventy-five cents (\$13.75) shall be imposed in accordance with Tennessee Code Annotated § 16-18-305(a). This tax shall be collected by the municipal court clerk, remitted to the State Department of Revenue, and included in the total court costs.

ORDINANCE NO. 1143

- a) When a defendant pays fines and costs before appearing in court this payment is treated as a "cash bond." If the defendant fails to appear, the bond is forfeited. In such cases, instead of the standard litigation tax, a "Cash Bond Forfeiture Fee" of \$13.75 is collected. This fee is reported separately to the Tennessee Department of Revenue and is distinct from the litigation tax.
- b) If a defendant appears in court and is found guilty the standard litigation tax of \$13.75 is imposed. This tax is collected by the court clerk and remitted to the Tennessee Department of Revenue.

SECTION 2. Conflict and Repeal.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Severability.

If any section, sentence, clause, or provision of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity of such section, sentence, clause, or provision shall not affect any of the remaining parts of this ordinance.

SECTION 4. Effective Date.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon final passage, the public welfare requiring it.

FIRST READING: July 15, 2025
PUBLIC HEARING NOTICE: July 23, 2025
DATE OF PUBLIC HEARING: August 19, 2025
SECOND READING: August 19, 2025

ATTEST:



RANDALL DOWLING, City Manager



LARRY EATON, Mayor

APPROVED AS TO FORM:



CHRISTOPHER M. CALDWELL, City Attorney