

**TITLE 3**  
**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. City judge designated.
- 3-102. Vacancy of city judge.
- 3-103. Power to enforce ordinances.

**3-101. City judge designated.** The officer designated in accordance with *Tennessee Code Annotated*, § 6-21-501 to handle judicial matters within the City of Baneberry and who shall preside over city court at the will of the city council shall be an attorney who is not less than thirty (30) years of age and a resident of Jefferson County, Tennessee who is licensed to practice law in the

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<sup>1</sup>Charter 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 judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

State of Tennessee and is appointed by the city council to serve as the city judge. (Ord. #216-6, May 2016)

**3-102. Vacancy of city judge.** In the event of incapacity, death, or other vacancy in the office of city judge, the city commission shall appoint a city judge at its next regular or special meeting. A two-thirds (2/3) vote of the commission shall be required to fill any such vacancy. (Ord. #216-6, May 2016)

**3-103. Power to enforce ordinances.** The judge has the power and authority to:

- (1) Impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances;
- (2) Preserve and enforce order on such city judge's court;
- (3) Enforce the collection of all fines, costs, and forfeitures imposed by such city judge; and
- (4) The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision. (Ord. #216-6, May 2016)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

- 3-201. City court established.
- 3-202. Maintenance of docket.
- 3-203. Court session.

**3-201. City court established.** There shall be established a city court presided over by a city judge who shall have jurisdiction over all cases arising from the laws and ordinances of the City of Baneberry, Tennessee. (Ord. #216-6, May 2016)

**3-202. Maintenance of docket.** The court clerk shall keep a complete docket of all cases coming before him in his judicial capacity. The docket shall include for each case the name of the defendant, the alleged offense or violation, citation/summons number, disposition, including any fines costs, and any additional information which may be relevant. (Ord. #216-6, May 2016, modified)

**3-203. Court session.** City court shall be in session quarterly, four (4) times per year, on the second Thursday of the months of Feb., May, Aug., and Nov. at 6:00 P.M., at the Baneberry Community Center, beginning in the month of July 2016. Every person charged with violating a municipal ordinance shall be entitled to a hearing and disposition of his case at the next session of city court after the charge. (Ord. #216-6, May 2016)

## CHAPTER 3

### SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas

**3-301. Issuance of summonses.** When a complaint is made to a city police officer or code enforcement officer of an alleged violation of an ordinance of the city, the police officer/code enforcement officer shall, if the circumstances so warrant, issue a summons to the alleged offender to appear before the city court at a time specified therein to answer charges against him. The summons shall also set forth a description of the offense charged. (Ord. #216-6, May 2016)

**3-302. Issuance of subpoenas.** The city judge shall be empowered to issue subpoenas upon request of a party in interest of matters coming before the court. (Ord. #216-6, May 2016)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Fines and costs imposed.

3-402. Appeals of city court judgment.

**3-401. Fines and costs imposed.** The city judge shall be empowered to impose fines and costs against an offender upon proper finding of a violation of an ordinance of the city. Said fines shall be paid into the treasury of the city. The city judge is empowered to enforce collection of such fines and costs, imposed by him.

(1) No fine shall exceed fifty dollars (\$50.00).

(2) The bill of costs shall be fifty dollars (\$50.00) per case and shall be taxed in the same manner and amounts as allowed in the court of general sessions for similar work in state cases.

(a) The state litigation tax of thirteen dollars and seventy-five cents (\$13.75) per case shall be collected.

(b) The local litigation tax of thirteen dollars and seventy-five cents (\$13.75) is hereby imposed in all cases in which the state litigation taxes are collected. (Ord. #216-6, May 2016)

**3-402. Appeals of city court judgment.** Any judgment of the city judge may be appealed to the circuit court of the county in which the city sits. Appeal must be filed within ten (10) days of the judgment, Sundays and holidays excluded, and there must be a bond approved by the city judge not to exceed two hundred and fifty dollars (\$250.00) for good and sufficient security of the offender's appearance or prosecution of appeal. Such bond may be made by cash deposit or by surety bond issued by an insurance company authorized to issue such bonds or by property bond signed by two (2) property owners within the county as sureties for such appeal. (Ord. #216-6, May 2016)