

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

MUNICIPAL COURT

SECTION

3-101. Municipal court created; where and when to be held.

3-101. Municipal court created; where and when to be held. There is hereby created a municipal court for the City of Eagleville. The court shall be held at the city hall or at such other place within the city as the municipal judge may from time to time designate. The court shall be in session no less than one (1) day per month at such hours as may be determined by the municipal judge. Any change in the schedule of hour, date, or place of session shall be published in a newspaper of general circulation within the city at least seven (7) days prior to the change in the date, hour, or place before becoming effective. (Ord. #2013-006, Nov. 2013)

CHAPTER 2

MUNICIPAL JUDGE

SECTION

- 3-201. Office of municipal judge established.
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- 3-207. Judicial jurisdiction of municipal judge.

3-201. Office of municipal judge established. There is hereby established the office of municipal judge which shall be filled by a resolution of appointment by the City Council of the City of Eagleville. (2004 Code, § 3-201)

3-202. Qualifications of judge. The municipal judge for the City of Eagleville shall be thirty (30) years of age, licensed in the State of Tennessee to practice law and a resident of Rutherford County or a county that borders Rutherford County. In the event he moves his residence from Rutherford County or a county that borders Rutherford County, he shall automatically vacate his office.

Suspension or revocation of the person's license to practice law shall constitute an automatic termination of that person's appointment to office pursuant to this section and a vacancy in the office shall forthwith exist to be filled by appropriate appointment by the city council. (2004 Code, § 3-202, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011, modified)

3-203. Term of office for judge. The normal term of office for the municipal judge shall be for four (4) years, but his term shall be at the will and pleasure of the city council. The municipal judge shall continue to serve until his successor has been appointed and sworn in. Vacancies in the office created hereby shall be filled by the city council. (2004 Code, § 3-203, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011, modified)

3-204. Oath of office for judge. Any person appointed to the office of municipal judge shall, prior to entering upon the duties of the office, take the following oath.

"I_____, solemnly swear to perform and discharge the duties and obligations of Municipal Judge of the City of Eagleville, and to enforce the ordinances of the City of Eagleville and the laws

of the State of Tennessee without fear or favor, so help me God."
(2004 Code, § 3-204)

3-205. Bonding of the municipal judge or other court officers. Any person appointed to the office of municipal judge or any person handling money of the municipal court shall be bonded in an amount of at least five thousand dollars (\$5,000.00) prior to entering upon the duties of such office and the cost of the bond or bonds shall be paid by the city. (2004 Code, § 3-205)

3-206. Compensation of judge. The compensation of the municipal judge shall be seventy-five dollars (\$75.00) per month. All fees derived by the city court shall be paid into the treasury of the city and are not to be considered a part of the compensation of the municipal judge. (2004 Code, § 3-206, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011)

3-207. Judicial jurisdiction of municipal judge. The city 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 3

COURT ADMINISTRATION

SECTION

- 3-301. Municipal judge's docket.
- 3-302. Court clerk.
- 3-303. Service of court process.
- 3-304. Imposition and disposition of fines, payment and non-payment.
- 3-305. Court costs.
- 3-306. Contempt of court.
- 3-307. Disposition of weapons found on persons arrested.
- 3-308. Disposition of abandoned and confiscated property.

3-301. Municipal judge's docket. The municipal judge shall keep or cause to be kept a complete court docket or dockets embodying complete detailed records of all cases handled by him. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed; and all other information which may be relevant. The docket shall also include the information required by Tennessee Code Annotated § 55-10-306 for all violations of traffic charges. (2004 Code, § 3-301)

3-302. Court clerk. A municipal court clerk shall be appointed by the city manager.

3-303. Service of court process. The codes enforcement officer, any police officer of the city, the court clerk and any other person authorized by state statutes or by city ordinance, are each hereby appointed and designated as officers of the municipal court for the purpose of serving any process, documents, notices, warrant, writs, citations, and other official instruments of and from the municipal court. (2004 Code, § 3-303)

3-304. Imposition and disposition of fines, payment and non-payment. All fines, penalties and costs shall be imposed and recorded by the municipal judge on the city court docket in open court. All fines imposed by the municipal judge for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a sentence for such violation or violations shall be performed for the city under the direction of a court officer. All payments shall be in accordance with Tennessee Code Annotated §§ 40-24-101 through 40-24-105. (2004 Code, § 3-305)

3-305. Court costs. There is hereby established fixed court costs for all cases brought before the municipal court. Court costs shall be one hundred

twenty-five dollars (\$125.00) or such other amount as shall be established by the city council from time to time. The municipal judge shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by him for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. The municipal judge shall collect and receipt for all fines imposed by him, and he shall render a bi-annual report to the city council of all costs and fines collected and of all assessed and uncollected. It shall be unlawful for any other person or officer to collect or receipt for said fines, costs, and recoveries, but the municipal judge may authorize the chief of police to collect and receipt for fines and costs. (2004 Code, § 3-306, as amended by Ord. #2010-05, July 2010, modified)

3-306. Contempt of court. The power of the municipal judge to inflict punishment for contempt of court shall extend to the following: The willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice; the willful misbehavior of any of the officers of the court, in their official transactions; the willful disobedience or resistance of any officer of the court and party, witness, or any other person, to any lawful writ, process, order, rule, decree, or command of said court; abuse of, or unlawful interference with, the process or proceedings of the court; any other act or omission declared a contempt by law. The municipal judge's power to punish for contempt of court is limited to the general penalty clause of this municipal code of ordinances for each offense. (2004 Code, § 3-307)

3-307. Disposition of weapons found on persons arrested. All weapons as defined in § 11-502 of this code which may be found upon any person arrested or within his possession, shall be seized and turned over to the municipal judge and released to the chief of police and retained by and forfeited to the city, and shall be disposed of in accordance with Tennessee Code Annotated § 39-17-1317. (2004 Code, § 3-308)

3-308. Disposition of abandoned and confiscated property. The municipal judge may order the chief of police to seize and take possession of all stolen or abandoned personal property, together with all personal property which the municipal judge shall order confiscated as the fruits of a crime or used in the commission of such crime. The police department may also take similar possession for a reasonable time until the municipal judge can be contacted. (2004 Code, § 3-309)

CHAPTER 4

WARRANTS AND SUBPOENAS

SECTION

3-401. Issuance of arrest warrants.

3-402. Issuance of subpoenas.

3-401. Issuance of arrest warrants.¹ The municipal judge may issue warrants for the arrest of persons charged with violating city ordinances or state criminal laws within the city. Only one (1) warrant shall be issued for the same offense, the warrant to embrace all the parties charged with the same offense. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony. The affidavit upon which the warrant is issued shall especially state the offense charged. (2004 Code, § 3-401)

3-402. Issuance of subpoenas. The 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. (2004 Code, § 3-402)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 5

BONDS AND APPEALS

SECTION

3-501. Bond amounts, conditions, and forms.

3-502. Appeals from municipal court.

3-503. Deposit of CDL or operator's license in lieu of bond.

3-501. Bond amounts, conditions, and forms. (1) Appearance bond. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

(2) 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.

(3) Form of bond. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county.

(4) 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.

3-502. Appeals from municipal court. Any person dissatisfied with the judgment of the municipal judge in any case or cases heard and determined by the municipal judge, may, within ten (10) entire days¹ thereafter, Saturdays, Sundays and government recognized holidays exclusive, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the municipal judge for his appearance or the faithful prosecution of the appeal.² In prosecutions for the violations of the city ordinances, the bond shall not exceed two hundred fifty dollars (\$ 250.00). The appeal shall not act as a stay or supersedeas of the imprisonment of any

¹State law reference

Tennessee Code Annotated § 16-18-307.

²State law reference

Tennessee Code Annotated § 27-5-101.

defendant who fails to pay a fine imposed, unless the defendant executes an appeal bond with solvent, qualified surety in double the amount of fine imposed, and conditioned to appear and prosecute his appeal and pay any fine and costs adjudged against him upon the appeal. Appeals from the judgment of the municipal court for violation of the criminal laws of the State of Tennessee shall be pursuant to the provisions of Rule 5 of the Tennessee Rules of Criminal Procedure. (2004 Code, § 3-502)

3-503. Deposit of CDL or operator's license in lieu of bond.

Pursuant to Tennessee Code Annotated § 55-50-801, et seq., whenever any person lawfully possessed of a Commercial Driver's License ("CDL") or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with the violation of any city ordinance regulating traffic, except one which requires mandatory revocation of the license, said person shall have the option of depositing his CDL or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before the court. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (2004 Code, § 3-503)