

TITLE 3**MUNICIPAL COURT****CHAPTER**

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

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge. (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be a licensed attorney appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city 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 city judge.

(2) Qualifications. The city judge shall be licensed by the State of Tennessee to practice law, and be a resident of Claiborne County. If the city judge for any reason removes his/her domicile from Claiborne County after his/her appointment, the removal of his/her domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his/her duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his/her duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

(4) Salary. The salary of the city judge shall set by the board of mayor and aldermen. (Ord. #121, May 2019)

3-102. Jurisdiction. 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. (Ord. #121, May 2019)

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.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him/her in his judicial capacity. The docket shall include for each defendant such information as name; summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (Ord. #121, May 2019)

3-202. 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 docket in open court.

(2) In all cases heard and determined by him/her, the city judge shall impose court costs in the amount of one hundred dollars (\$100.00). One dollar (\$1.00) of the court costs 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.

(3) In addition, pursuant to authority granted in *Tennessee Code Annotated*, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases on which state litigation tax is levied. (Ord. #121, May 2019)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the city judge or city court clerk in the form of penalties, costs, and forfeitures shall be recorded by him/her and paid over daily to the city. At the end of each month, he/she shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all penalties and costs imposed by his/her court during the current month and to date for the current fiscal year. (Ord. #121, May 2019)

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. (Ord. #121, May 2019)

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 city judge, the judge may, in his/her discretion, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him/her. 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 city 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. (Ord. #121, May 2019)

3-302. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he/she believes will be relevant and material to matters coming before his/her court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ord. #121, May 2019)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

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

3-401. Appeals. (1) Any person dissatisfied with any judgment of the city court against him may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

(2) "Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity, or the municipality. (Ord. #121, May 2019)

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; and

(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. (Ord. #121, May 2019)