

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

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

- 3-101. Authority.
- 3-102. Powers.
- 3-103. To be appointed.
- 3-104. Vacancies.
- 3-105. Oath of office.

3-101. Authority. Section 3.05 of the Jellico City Charter and pursuant to Private Chapter No. 91, House Bill No. 4253, Private Acts of 2008 of the Tennessee Legislature; there was hereby established a municipal court and the office of city judge for the City of Jellico, Tennessee as authorized by Tennessee Code Annotated, § 6-4-301, et seq. (Ord. #66-2009, May 2009)

3-102. Powers. The city judge was and shall be vested with the judicial power and functions of a municipal court to hear municipal ordinance violations. (Ord. #66-2009, May 2009)

3-103. To be appointed. The city judge shall be appointed by the Mayor and Jellico Board of Aldermen and is subject to removal at will, by the board of mayor and aldermen. (Ord. #66-2009, May 2009)

3-104. Vacancies. Vacancies in the office of city judge shall be filled as provided in § 3-103 of this chapter. (Ord. #66-2009, May 2009)

¹Charter references

Docket: § 3.05(d).

Fines and costs: § 3.05(c).

3-105. Oath of office. The city judge shall, before entering upon the duties of this office, take an oath or affirmation, before the Jellico City Recorder as follows:

I, _____, so solemnly swear that I will support the Constitution of the United States and of the State of Tennessee, and the ordinances of the City of Jellico. And that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a city judge to the best of my ability. (Ord. #66-2009, May 2009)

CHAPTER 2

CITY COURT

SECTION

- 3-201. City court.
- 3-202. Number of judges.
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- 3-212. Established court times.

3-201. City court. In accordance with Private Chapter Number 44, House Bill Number 2641, passed by the 109th General Assembly of the State of Tennessee, on March 24, 2016, City Court for the City of Jellico shall be established and administered in the following manner. (Ord. #3, July 1993, modified)

3-202. Number of judges. The number of persons who shall serve as city judge is established by this chapter as one (1). (Ord. #3, July 1993)

3-203. Qualifications. The city judge shall:

- (1) Be a resident of the City of Jellico one (1) year immediately preceding his or her election,
- (2) Be a resident of the State of Tennessee five (5) years immediately preceding his or her election,
- (3) Be at least thirty (30) years of age,
- (4) Be licensed to practice law in the courts of Tennessee. (Ord. #3, July 1993, modified)

3-204. Municipal jurisdiction. The city judge shall have the authority to try persons charged with violations of city ordinances and to punish persons convicted of such violations by levying a civil penalty not to exceed the maximum civil penalty allowed under state law. (Ord. #3, July 1993)

3-205. General powers. The city judge shall have the power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for

contempt of court by fine or confinement not exceeding the limits provided by general laws. (Ord. #3, July 1993)

3-206. Court cost generally. Costs in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under general laws of the State of Tennessee. (Ord. #3, July 1993)

3-207. Schedule of court costs, fees and taxes. The schedule of court costs, fees and taxes for the City Court for Jellico, Tennessee shall be as follows:

(1) Litigation tax. The litigation tax shall be thirteen dollars and seventy-five cents (\$13.75).

(2) Court fines. The court fines shall be up to a maximum of fifty dollars (\$50.00).

(3) Municipal court costs.

Traffic and vehicle equipment violations:

All cases \$214.00

Safety Enforcement Act 25.00

Contempt of court

All cases 314.00

Administrative cost (if applicable)

Jail fee 30.00

Meal fee 10.00

Fingerprinting \$4.00

Issuing summons/subpoena 15.00

Serving summons/subpoena 25.00

Issuing contempt 5.00

Serving contempt 25.00

One dollar (\$1.00) of the court costs in each case will be forwarded by the court clerk to the Tennessee 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. (Ord. #69-2009, May 2009, modified)

3-208. Bail. The bail of persons arrested and awaiting trials and persons appealing the decision of a city judge shall be fixed by the city judge and upon such security as in his or her discretion he or she deems necessary or as otherwise may be provided by ordinance or general law. (Ord. #3, July 1993)

3-209. Separation of powers. The city judge shall be the exclusive judge of the law and facts in every case before him or her and no official or

employee of the city shall attempt to influence his or her decision except through pertinent facts presented in court. (Ord. #3, July 1993)

3-210. Vacancy. A vacancy in office of the city judge shall be filled by appointment by the mayor and confirmed by the board mayor and aldermen. (Ord. #3, July 1993, modified)

3-211. Compensation. The salary of the City of Jellico municipal judge shall be established at eight hundred dollars (\$800.00) per month. (Ord. #65-2009, May 2009)

3-212. Records; docket; city clerk. The city does not elect, as permitted by the laws of the State of Tennessee, to require the city court clerk to be elected. The city recorder shall have the duty of maintaining all records of the city court in accordance with applicable laws. The city may employ a person, or designate an existing employee, to assist the city recorder in this function and such person shall be designed as city court clerk. The board shall require the proper maintenance of the docket of the city court and other records of the court. Subject to general law and the authority of the city judge, the board shall fix the regular time for holding court. (Ord. #3, July 1993)

3-213. Established court times. (1) The city court will meet on a minimum of two (2) times per month.

(2) If necessary, the city municipal judge may call court for additional sessions at his/her discretion.

(3) The city municipal judge may set the time for the Jellico Municipal Court to meet. (Ord. #70-2009, May 2009)

CHAPTER 3

COURT ADMINISTRATION

SECTION

3-301. Maintenance of docket.

3-302. Disposition and report of fines, penalties, and costs.

3-303. Disturbance of proceedings.

3-304. Trial and disposition of cases.

3-305. Court administration.

3-301. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1968 Code, § 1-502)

3-302. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1968 Code, § 1-511)

3-303. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1968 Code, § 1-512)

3-304. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. The city court shall be held at the office of the recorder, and shall be convened at 9:00 A.M. everyday except Sunday, and shall continue until all cases have been examined and disposed of. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1968 Code, § 1-506)

3-305. Court administration. (1) Procedures for payment of court fines and costs; establishment of offense for failure to abide by the terms and conditions set by the city court judge:

(a) The mayor shall establish parameters as to the times, date and places and personnel authorized to receive and give receipts for city court fines and court costs.

(b) Within his judicial discretion, the city court judge shall designate which fines and costs may be eligible for deferred payment and shall, as to those instances selected in his discretion for deferred payment, specify the times, dates and personnel within the parameters set by the mayor.

(c) In each and every instance in which a person convicted of a city ordinance and/or other statutory offense shall be given additional time within which to pay fines and costs, such individual shall be given written instructions as to the time, place, and persons or office to whom said payment shall be made at the time of the judgment hearing.

(d) Failure of a person liable to pay fines and/or court costs within the time provided by the city court judge, and/or to the person and/or at the place so specified shall be guilty of the separate offense of contempt of court.

(e) Any conduct or statement by any person adjudged liable for the payment of any fines or costs and/or any conduct or statement by any person evidencing any interest in the liability of any other party who is otherwise liable for the payment of city court fines and/or who shall, in the city hall or on the city hall premises conduct him or herself in a loud (i.e., other than conversational tones), abusive, threatening, obnoxious, outrageous, boisterous, and/or disorderly fashion and/or who reasonably causes a fear of, or threat of, bodily harm or intimidation in any person present and/or in any employee of the city, and/or any elected or appointed official of the City of Jellico shall also be guilty of the separate offense of contempt of court.

(f) Any person convicted of the offense of contempt of court shall be charged a fine not to exceed fifty dollars (\$50.00) for each incident constituting contempt of court, as defined hereinabove.

(2) Court costs. There is hereby adopted and incorporated by reference the provisions of Tennessee Code Annotated, § 8-21-401, et seq., scheduled fees, as said section now exists or is hereafter amended, for the purpose of establishing a rate for commissions and court costs for receiving and paying over privilege taxes on litigation and to authorize the city court clerk to demand and receive, where appropriate, the fees and costs therein indicated.

(3) Severability. Should any subsection of this section be held to be unconstitutional by any judge of competent jurisdiction, it shall not affect the remaining subsections of this section. (Ord. #68-2009, May 2009)

CHAPTER 4

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-401. Issuance of summonses.

3-402. Issuance of subpoenas.

3-401. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the 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. (1968 Code, § 1-504)

3-402. Issuance of subpoenas. The city 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. (1968 Code, § 1-505)

CHAPTER 5

BONDS AND APPEALS

SECTION

3-501. Appeals.

3-502. Bond amounts, conditions, and forms.

3-501. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1968 Code, § 1-509)

3-502. Bond amounts, conditions, and forms. 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. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. 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 located within the county. No other type bond shall be acceptable. (1968 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.