

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

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

CHAPTER 1**CITY COURT****SECTION**

- 3-101. City court created.
3-102. Severability.
3-103.--3-113. Deleted.

3-101. City court created. There shall be a municipal court operating within the corporate limits of the City of Millington as they are now described or may hereafter be changed. (1981 Code, § 1-503, as replaced by Ord. #2017-8, June 2017)

3-102. Severability. If any provision of title 3, Municipal Court, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of title 3 which can be given effect without the invalid provision or application, and to that end the provisions of title 3 are declared to be severable. (1981 Code, § 1-504, as replaced by Ord. #2006-1, May 2006, and Ord. #2017-8, June 2017)

3-103.--3-313. Deleted. (as deleted by Ord. #2017-8, June 2017)

¹Charter reference
City judge: § 12.05.

CHAPTER 2

CITY JUDGE

SECTION

- 3-201. City judge.
- 3-202. Qualifications.
- 3-203. Election/term of office.
- 3-204. Vacancies in office.
- 3-205. Special judges.
- 3-206. Compensation.
- 3-207. Jurisdiction and powers.
- 3-208. Bail.
- 3-209. Separation of powers.
- 3-210. Practice of law.
- 3-211.--3-217. Deleted.

3-201. City judge. There is hereby created the office of City of Millington City Judge, who shall be vested with all the powers and duties granted under law in Tennessee. (1981 Code, § 1-501, as replaced by Ord. #2017-8, June 2017)

3-202. Qualifications. All candidates for the position of judge of the Millington Municipal Court shall be thirty (30) years of age or older, a resident of the State of Tennessee for not less than five (5) years immediately prior to the election, a resident of the city for at least one (1) year immediately prior to the election, and shall be licensed to practice law in the State of Tennessee. (1981 Code, § 1-502, as replaced by Ord. #2017-8, June 2017)

3-203. Election/term of office. The city judge of the Millington Municipal Court shall be elected by a popular vote of the registered voters of the City of Millington. The term of office of the municipal judge shall be eight (8) years, except for any initial term which may be shorter. Upon the effective date of this section, the board of mayor and aldermen may appoint a qualified person to serve as municipal judge until the next regular August general state election. The first municipal judge popularly elected pursuant to this section shall be elected at the next regular August general state election that takes place at least thirty (30) days after the effective date of this section calling for the judge's election. The person elected at this election shall serve only until the next regular judicial election held in accordance with article 7, section 5 of the Tennessee Constitution. All subsequent elections for municipal judge pursuant to this section shall be held in accordance with article 7, section 5 of the Tennessee Constitution. (1981 Code, § 1-508, as replaced by Ord. #2017-8, June 2017)

3-204. Vacancies in office. In the absence of a judge of the Millington Municipal Court due to resignation, death or disability, the board of mayor and aldermen may appoint a qualified person to serve until the next regular November general election. At this election, a person shall be elected to serve any unexpired term if the full term is not to be filled at the election. In the temporary absence or inability of the city judge, the board of mayor and aldermen may appoint a qualified person to serve until the judge's return.

No elected judge of the City of Millington may hold office while under indictment. Vacancies in such case shall be filled as provided in this section. In the event the charges against the city judge are disposed of in his favor, then the city judge shall be forthwith returned to office and shall receive full compensation for the time that he was removed therefrom. (1981 Code, § 1-511, modified, as replaced by Ord. #2017-8, June 2017)

3-205. Special judges. (1) General sessions docket. In the event that the city judge shall be unable to sit for good cause, including but not limited to, by reason of health, schedule, vacation or other reasons, a special judge shall be chosen to temporarily serve in his or her absence or temporary unavailability as provided by Tennessee Code Annotated, § 16-15-209.

(2) Municipal docket. In the event that the city judge shall be unable to sit for good cause, including but not limited to, by reason of health, schedule, vacation or other reasons, a special judge, who is qualified under § 3-202 of this chapter, or a special judge, who is appointed pursuant to subsections (2)(a) through (c) of this section, shall temporarily serve in such judge's absence or temporary unavailability:

(a) The city judge or, if the city judge is not able, the clerk of court shall appoint a special judge to hold court, preside and adjudicate in the absence of a municipal judge;

(b) A special judge must possess all of the qualifications of a municipal judge of the Millington Municipal Court; and

(c) A list of eligible special judges shall be created by the city judge. Such list shall designate potential special judges in order of priority and shall be maintained by the clerk of the court. When necessary, a special judge shall be chosen from such list based upon the order of priority in which they are listed. (1981 Code, § 1-513, as replaced by Ord. #2017-8, June 2017)

3-206. Compensation. The city judge shall receive compensation as fixed by the board of mayor and aldermen by ordinance. Such compensation shall be set prior to the date on which the election for the position of municipal judge is held and shall not be increased nor diminished during the term. (1981 Code, § 1-514, modified, as replaced by Ord. #2017-8, June 2017)

3-207. Jurisdiction and powers. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city and concurrently with the general sessions court for violation of the criminal laws of the state within the corporate limits of the city. 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 the general law of the state. The city judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for contempt by fine or confinement not exceeding the limits provided by general law. (1981 Code, § 1-518, as replaced by Ord. #2017-8, June 2017)

3-208. Bail. The bail of persons arrested and awaiting trials and persons appealing the decision of the city judge shall be fixed by the city judge and upon such security as in the judge's discretion he or she deems necessary or as otherwise may be provided by ordinances or general law. (1981 Code, § 1-520, as replaced by Ord. #2017-8, June 2017)

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. (1981 Code, § 1-521, as replaced by Ord. #2017-8, June 2017)

3-210. Practice of law. The city judge shall give such necessary time and attention to the duties of his office so as to efficiently and orderly perform the duties of the office. He may be permitted to engage in the practice of law, or in any other business or profession not conflicting with the performance of his duties as judge. (1981 Code, § 1-527, as replaced by Ord. #2017-8, June 2017)

3-211.--3-217. Deleted. (as deleted by Ord. #2017-8, June 2017)

CHAPTER 3

CITY COURT CLERK

SECTION

3-301. City court clerk.

3-302. Oath.

3-303. Bond.

3-304. Duties.

3-305.--3-306. Deleted.

3-301. City court clerk. The city court clerk shall be selected by the city manager in accordance with city charter and city personnel policies. (1981 Code, § 1-517, as replaced by Ord. #2017-8, June 2017)

3-302. Oath. The city court clerk shall take the oath of office prescribed for clerks of court by state law. (1981 Code, § 1-522, as replaced by Ord. #2008-2, June 2008, and Ord. #2017-8, June 2017)

3-303. Bond. Before assuming the duties of the office, said clerk shall give bond in the sum of twenty-five thousand dollars (\$25,000.00), conditioned to faithfully discharge the duties of such office as such clerk, and properly report and account for all funds coming through his or her hands into his or her office. The bond of the clerk of the municipal court shall be filed with the clerk of the City of Millington. (1981 Code, § 1-523, modified, as replaced by Ord. #2008-2, June 2008, and Ord. #2017-8, June 2017)

3-304. Duties. The city court clerk shall be the custodian of the books, dockets and records of the municipal court and shall perform such duties as may be delegated to him or her by the city manager or the city judge, including but not limited to the maintenance of books and records pertaining to the issuance of warrants of arrests, the disposition of cases coming before the court, the collection of fines and costs, preparation of orders, preparation of reports, and such duties as are set forth in § 16-18-310 of the Tennessee Code Annotated. (1981 Code, § 1-531, as replaced by Ord. #2017-8, June 2017)

3-305.--3-306. Deleted. (as deleted by Ord. #2017-8, June 2017)

CHAPTER 4

COURT ADMINISTRATION

SECTION

- 3-401. Maintenance of docket.
- 3-402. Court costs; imposition of fines, penalties and costs.
- 3-403. Disposition and reports of fines, penalties and costs.
- 3-404. Disturbance of proceedings.
- 3-405. Failure to appear.
- 3-406. Use of collection agency.

3-401. Maintenance of docket. The city clerk shall keep, or cause to be kept, a complete docket of all matters coming before the court. The docket shall include for each defendant such information as name; alleged offense; disposition; fines and costs imposed; and all other information that may be relevant. (1981 Code, § 1-516, as replaced by Ord. #2017-8, June 2017)

3-402. Court costs; imposition of fines, penalties and costs.

(1) City of Millington court costs for violations of city ordinances will be seventy-six dollars (\$76.00), and the maximum permissible fee under state law for state statutory violations, together with the appropriate state litigation tax and the appropriate city litigation tax. 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. All fines, penalties and costs shall be imposed and recorded by the city judge or the city court clerk on the municipal court docket. In all cases where a defendant pleads guilty or is tried and found guilty by the court, the municipal judge shall tax in the bill of costs the amount of seventy-six dollars (\$76.00), the amount determined by the board of mayor and aldermen to be reasonably necessary for operating costs of the municipal court. Said court costs may be waived at the discretion of the municipal judge.

(2) A fee of five dollars \$5.00 shall be collected on each citation for violation of any traffic ordinance that results in a plea of guilty or nolo contendere or a judgment of guilty, for the purpose of funding the development and operation of an electronic citation system for the Millington Police Department. One dollar (\$1.00) of such fee shall be retained by the city court clerk and used for computer hardware purchases, usual and necessary computer related expenses, or replacement. (1981 Code, § 1-532, as replaced by Ord. #2017-8, June 2017)

3-403. Disposition and reports of fines, penalties and costs. All funds coming into the hands of the municipal court in the form of fines,

penalties, costs and forfeitures shall be recorded by the municipal court clerk and paid over to the municipality. At the end of each month, the city court clerk shall submit to the city finance director and city manager a report accounting for the collection or non-collection of all fines, penalties and costs imposed by the municipal court during the current month and to date for the current fiscal year. (1981 Code, § 1-533, as replaced by Ord. #2017-8, June 2017)

3-404. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises; by using indecorous, profane or blasphemous language; or by any distracting conduct whatsoever. (as added by Ord. #2017-8, June 2017)

3-405. Failure to appear. Any person who fails to appear in municipal court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a criminal offense punishable under the general penalty provision of this code. (as added by Ord. #2017-8, June 2017)

3-406. Use of collection agency. (1) As provided in Tennessee Code Annotated, § 40-24-105(d), the city is authorized to contract with one (1) or more collection agencies to collect delinquent city court fines, costs and litigation taxes that have not been collected within sixty (60) days after they were due.

(2) Any contract between the city and a collection agency must be in writing and shall provide for collection of the collection agency's services fee in addition to amounts owed to the city. (as added by Ord. #2017-8, June 2017)

CHAPTER 5

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-501. Issuance of arrest warrants.

3-502. Issuance of summonses.

3-503. Issuance of subpoenas.

3-504.--3-505. Deleted.

3-501. Issuance of arrest warrants. The city judge/city court clerk shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances or violating the criminal laws of the state within the corporate limits of the city. (1981 Code, § 1-524, as replaced by Ord. #2017-8, June 2017)

3-502. Issuance of summonses. When a complaint of an alleged ordinance or state criminal law violation is made, the city judge may, in his or her discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the municipal court at a time specified therein to answer the charges against him or her. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinances or criminal laws alleged to have been violated. Upon failure of any person to appear before the municipal court as commanded in a summons lawfully served on him or her, the cause may be proceeded with ex-parte, and the judgment of the courts shall be valid and binding subject to the defendant's right to appeal. (1981 Code, § 1-525, as replaced by Ord. #2017-8, June 2017)

3-503. Issuance of subpoenas. The city judge/city court clerk may subpoena as witnesses all persons whose testimony he or she believes will be relevant and material to matters coming before his or her court, and it shall be unlawful for any person lawfully served with such subpoena to fail or neglect to comply therewith. (1981 Code, § 1-526, as replaced by Ord. #2017-8, June 2017)

3-504.--3-505. Deleted. (as deleted by Ord. #2017-8, June 2017)

CHAPTER 6

BONDS AND APPEALS

SECTION

3-601. Bond amounts, conditions, and forms.

3-602. Appeals.

3-601. Bond amounts, conditions, and forms. (1) Appearance bond. An appearance bond in any case before the municipal court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for proceedings before the municipal court at the stated time and place.

(2) Appeal bond. An appeal bond shall be two hundred and fifty dollars (\$250.00), and shall be conditioned such that if the circuit court shall find against the appellant, the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his or her sureties.

(3) Form of bond. An appearance or appeal bond in any case may be made in the form of a cash deposit or by a corporate surety company authorized to do business in Tennessee. No other type bond shall be acceptable.

(4) Pauper's oath. A bond is not required provided the defendant/appellant files an oath of poverty and an accompanying affidavit of indigency as allowed in the state law. (as added by Ord. #2017-8, June 2017)

3-602. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him or her may, within ten (10) days after such judgment is rendered, appeal to the circuit court, upon posting a proper appeal bond and payment of all fines and cost; provided, however, that any judgment of the municipal court in favor of the city for ten dollars (\$10.00) or less shall be final. (as added by Ord. #2017-8, June 2017)