

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

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

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

3-101. City judge.

3-101. City judge. (1) Office created. Pursuant to the authority granted in state law and the town charter, there is hereby created and established for the Town of Mount Carmel, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted under the laws of Tennessee, and said judge shall be subject to the provisions of the laws governing the municipal court, as set out by the laws of the State of Tennessee.

(2) Qualifications. Any person serving as municipal judge shall be at least twenty-five (25) years of age and shall be a resident of the State of Tennessee at the time of and for the duration of his appointment.

(3) Term of office; vacancy. The municipal judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, said term beginning the first day of July and any incumbent judge shall serve during the term and until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen.

(4) Oath and bond. The municipal judge shall take the same oath of office as that prescribed for the mayor and, before entering upon the duties of this office, shall make bond in the amount of five thousand dollars (\$5,000.00), the cost of said bond being paid by the Town of Mount Carmel.

(5) Salary. The salary of the municipal judge shall be fixed by the board of mayor and aldermen before his or her appointment and said salary

¹Charter reference

City Judge--City Court: § 6-4-301.

shall not be altered during the term for which he or she is appointed. (1990 Code, § 3-101, modified)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Fines, forfeitures and commissions.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Contempt of court.

3-205. Use of a collection agency authorized.

3-201. 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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1990 Code, § 3-201)

3-202. Fines, forfeitures, and commissions.¹ In all charges involving the violations or alleged violations of a city ordinance:

(1) In all cases heard and determined by him, the city judge shall impose court costs in the amount of seventy-seven dollars and twenty-five cents (\$77.25), to be added to the fine and 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.

(2) The maximum fine of forfeiture shall be fifty dollars (\$50.00), unless assessed by a jury of peers who find that the fine should be more than fifty dollars (\$50.00), yet not exceeding five hundred dollars (\$500.00). (1990 Code, § 3-203, as amended by Ord. #228, Dec. 2001, and Ord. #09-347, Oct. 2009)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1990 Code, § 3-203)

¹The schedule of commissions and fines is of record in the office of the city recorder.

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.

3-205. Use of a collection agency authorized. In addition to all other remedies for collecting delinquent fines and costs owed to the town, the town may use the services of a collection agency pursuant to the procedures as set forth in Tennessee Code Annotated, § 40-24-105. (Ord. #267, Feb. 2004)

CHAPTER 3

WARRANTS, SUMMONSES, AND SUBPOENAS

SECTION

- 3-301. Issuance of arrest warrants.
- 3-302. Issuance of summonses.
- 3-303. Issuance of subpoenas.
- 3-304. Citations in lieu of arrest in non-traffic cases.
- 3-305. Summonses in lieu of arrest.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1990 Code, § 3-301)

3-302. 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 personally to 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 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. (1990 Code, § 3-302)

3-303. 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. (1990 Code, § 3-303)

3-304. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the fire chief, or his designee in the fire department and the building inspector, or his designee in the building department, special police officers having the authority to issue citations in lieu of arrest. The fire chief, or his designee in the fire department shall have the authority to issue citations in lieu

¹State law reference

For authority to issue arrest warrants see Tennessee Code Annotated, title 40, chapter 5.

of arrest for violations of the fire code adopted in this municipal code of ordinances. The building inspector, or his designee in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-101. (Ord. #211, Dec. 1999)

3-305. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the animal control officer or his designee in the police department and the public utilities board manager, or his designee in the sewer department, to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the city court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest.

It shall be unlawful for any person to violate this agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (Ord. #211, Dec. 1999)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk, or in the absence of the city court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1990 Code, § 3-401)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1990 Code, § 3-401)

3-403. 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 two hundred and fifty dollars (\$250.00), and shall be conditioned 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 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 within the county. No other type bond shall be acceptable. (1990 Code, § 3-401, modified)

¹State law reference

Tennessee Code Annotated, § 16-18-307.