

TITLE 3**MUNICIPAL COURT¹****CHAPTER****1. CITY COURT.****CHAPTER 1****CITY COURT²****SECTION**

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3-101. City judge. Pursuant to *Tennessee Code Annotated*, § 16-18-102, the office of city judge is established. The city judge shall be vested with the judicial powers and functions of the city recorder and shall be subject to the provisions of law and the city charter governing the recorder's court presided over by the city recorder.

(1) **Appointment and term.** The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of commissioners and shall serve at the pleasure of the board of commissioners. Vacancies in the office of the city judge arising from resignation, disqualification, or for any other reason whatsoever, shall be filled for the unexpired term by the board of commissioners.

(2) **Qualifications.** The city judge shall be licensed by the State of Tennessee to practice law.

¹State law reference

See *Tennessee Code Annotated*, §§ 17-17-101, *et seq.*, for provisions regarding city courts in Home Rule Municipalities.

²Charter reference

Judicial functions of recorder, appeal from judgment, etc.: §§ 6-2119 *et seq.*

(3) Oath of office; bond. The city judge shall take the oath of office prescribed in § 6-2103 of the city charter and shall be bonded before entering upon the duties of this office. The cost of making the bond shall be paid by the City of Whitwell.

(4) Salary. The salary of the city judge shall be fixed by the board of commissioners before the city judge's appointment and shall not be altered during the city judge's term of service.

(5) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of commissioners shall appoint a city judge pro tem to serve until the city judge returns to his 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. (1994 Code, § 3-101)

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 not to exceed fifty dollars (\$50.00). (1994 Code, § 3-102, modified)

3-103. Maintenance of docket. The court clerk 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; and all other information which may be relevant. The duties provided in this section may be delegated by the city judge to a court magistrate. (1994 Code, § 3-103, modified)

3-104. Issuance of summonses.¹ When a complaint of an alleged ordinance violation is made to the city judge, the court clerk may, in his 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. 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. (1994 Code, § 3-105, modified)

¹Municipal code references

Issuance of citations in lieu of arrest: title 15, chapter 7.

3-105. Issuance of subpoenas. The court clerk 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. (1994 Code, § 3-106, modified)

3-106. 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 city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1994 Code, § 3-108)

3-107. 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. (1994 Code, § 3-109)

3-108. Violations and penalty. All fines and penalties imposed by judicial officers for violation of the municipal ordinances of this city shall be punishable by a penalty under the general penalty provision of this code. Any offense that is a state offense, the range of punishment will be governed by *Tennessee Code Annotated*. Any municipal offenses could range between zero dollars (\$0.00) and fifty dollars (\$50.00). (1994 Code, § 3-110, modified)