

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. Qualifications.
- 3-102. Election and term of office.
- 3-103. Vacancy in office.
- 3-104. Salary.
- 3-105. Jurisdiction.
- 3-106. Duties, powers, etc.
- 3-107. Process.
- 3-108. Fines, costs, etc.
- 3-109. Docket, records and reports.
- 3-110. Appeal.
- 3-111. City attorney may act as.

3-101. Qualifications. The city judge shall be 21 years of age, or older, and shall be a person licensed by the Supreme Court to practice law in the State of Tennessee. (Ord. #____, June 1977)

3-102. Election and term of office. The city judge shall be elected by the board of mayor and aldermen on the second Thursday in January 1979 and every two years thereafter for a term of two years commencing on the date of his election, and shall serve until his successor is elected and qualified. The city judge in office on the effective date of this Act shall continue in office until the expiration of the term for which he was elected. (Ord. #____, June 1977)

3-103. Vacancy in office. Whenever a vacancy should occur in the office of city judge by reason of the death, resignation, ouster, prolonged absence

¹Charter reference
Judicial department: art. VII.

or inability to serve of said city judge, such vacancy shall be filled for the unexpired term of such office by election, by the board of mayor and aldermen. (Ord. #____, June 1977)

3-104. Salary. The salary of the city judge shall be fixed by the board of mayor and aldermen at a sum which shall not exceed \$200.00 per month. (Ord. #____, June 1977)

3-105. Jurisdiction. The city judge shall have and he is hereby vested with jurisdiction to hear and determine all violations of the laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances and is further vested with concurrent jurisdiction with the General Sessions Court of Giles County in cases of the violation of the criminal laws of the state. The jurisdiction of said city judge shall extend to a distance of one mile beyond the corporate limits of the City of Ardmore for the suppression of acts and practices forbidden by the general laws or the city ordinances. (Ord. #____, June 1977)

3-106. Duties, powers, etc. The city judge shall preside over the city court, which said court is hereby created and thus designated and shall have power and authority to impose fines and forfeitures, to preserve and enforce order in the court, to enforce collections of all fines and forfeitures imposed by him, to accept and receive good and sufficient security for any fines or forfeitures imposed by him, and in default of payment of such fines and forfeitures or security for payment of the same, to commit the offender to the county jail or to such other place of confinement as may be established by ordinance for such period of time as may be provided by ordinance until such fine, costs or forfeiture shall have been fully paid at the rate of one day's imprisonment for each dollar of such fine, costs or forfeiture; provided, however, that fines, costs or forfeitures may be paid in such installments as may be provided by ordinance and provided further, that workhouse bonds may be accepted by him in such manner as may be prescribed by ordinance. In order that said city judge may effectually exercise the powers herein conferred, he is expressly empowered to issue any and all warrants or other process of a criminal nature, including, but not limited to, warrants for arrest, search warrants, attachments for contempt, subpoenas for witnesses and attachments to compel the attendance of witnesses. (Ord. #____, June 1977)

3-107. Process. All process issuing from said city court shall run in the name of the State of Tennessee for the use of the City of Ardmore and shall be so captioned. All warrants shall be signed and issued by the city judge, or in the event of his absence or disability, by the city attorney. The general law of this

state, except such parts there of as may be inconsistent with this Act relative to the issuance of warrants and process shall apply to the city court. (Ord. #____, June 1977)

3-108. Fines, costs, etc. The costs and fees in said city court shall be the same as those provided by law for justices of the peace. The fees and other compensation of the police officers shall be the same in said court as that provided by law for the sheriff in courts of justice of the peace, provided, however, all fines, costs and forfeitures shall belong to the city and shall be paid into its treasury except such portions of the costs as are claimed by witnesses except police officers, for attendance in court, it being the intent of this chapter that no member of the police force shall receive any compensation for making arrest and serving process, nor shall the city judge receive any fee or compensation except that enumerated § 3-104 above, but that such fees shall be charged as a part of the court costs and shall inure to the benefit of the city. (Ord. #____, June 1977)

3-109. Docket, records and reports. The city judge shall keep a court docket or dockets similar to that required by law by the justice of the peace, and shall keep, in addition, a complete and accurate record of all fines, costs and forfeitures imposed by him, and he shall render a monthly report of all fines, costs and forfeitures collected and of all assessed and uncollected. (Ord. #____, June 1977)

3-110. Appeal. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined, may within 10 days after said judgment, appeal to the next term of the Circuit Court of Giles County, where the cause shall be tried de novo, but no appeal shall be granted unless the same shall be prayed and obtained and proper appeal bond conditioned to pay the fine and costs including the costs of appeal, with solvent security approved by the city judge, be filed within said 10 days period after the rendition of the judgment; provided, however, such appeal may be perfected by execution of an appearance bond in the sum of \$250.00 and by taking the pauper's oath in lieu of an appeal bond, and if the pauper's oath is taken the same shall be in the form and manner provided by the general law. (Ord. #____, June 1977)

3-111. City attorney may act as. In the absence of the city judge or when he shall be unable to serve or shall be incompetent, the city attorney is hereby authorized to act in his stead. (Ord. #____, June 1977)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Imposition of fines and costs.
3-202. Disposition and report of fines and costs.
3-203. Disturbance of proceedings.
3-204. Trial and disposition of cases.

3-201. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace¹ for similar work in state cases. (1969 Code, § 1-505)

3-202. Disposition and report of fines 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 board of mayor and aldermen 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. (1969 Code, § 1-506)

3-203. 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. (1969 Code, § 1-507)

3-204. 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. 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. (1969 Code, § 1-503)

¹State law reference
Tennessee Code Annotated, § 8-21-401.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-301. 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. (1969 Code, § 1-502)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

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 ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1969 Code, § 1-504)