

TITLE 3

MUNICIPAL COURT

CHAPTER

1. CITY COURT.

CHAPTER 1

CITY COURT¹

SECTION

- 3-101. Rules and procedure.
- 3-102. Police to assist.
- 3-103. Absence of city judge.
- 3-104. Court costs.
- 3-105. Traffic safety school.
- 3-106. Issuance of subpoenas.

3-101. Rules and procedure. The court shall make rules for the conduct of its business, and shall prescribe and adopt forms for its use in issuing process, entering judgments, and keeping records of its transactions. It shall, with the concurrence of the board of commissioners by resolution, adopt a schedule of days and hours at which court will be held. The court shall be

¹Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

authorized to compel the attendance of witnesses by the issuance of subpoenas or by attachments. (1986 Code, § 1-501)

3-102. Police to assist. The chief of police shall be responsible for the attendance of a police officer at all scheduled sessions of the court to assist the court with implementing its orders and judgments. (1986 Code, § 1-502)

3-103. Absence of the city judge. In the event of the temporary absence, incompetency, or inability of the city judge to serve in any case, the city manager shall designate an attorney over the age of 30 years, admitted to practice in the State of Tennessee, to act as special judge of the court with all powers incidental to the office of city judge. (1986 Code, § 1-503)

3-104. Court costs. (1) There is hereby established a fee or charge of twenty-five dollars (\$25.00) on each and every case, matter, citation, or hearing which shall come before the Berry Hill City Court. This charge shall be in addition to any fine or taxes imposed by law.

(2) This fee or charge shall be charged one time in each matter regardless of the number of hearings and shall be taxed to the party who is determined by the court to be guilty or liable or who shall prior to the hearing enter a plea of guilty or assume the liability. The fee or charge shall not be taxed to any party who is determined by the court not to be guilty or liable, but may be taxed to any party who has his matter retired if the court so orders.

(3) Any and all lawful process or execution permitted by law may be used to collect the fees or charges authorized herein. (Ord. #86-232, Aug. 1986, as amended by Ord. #98-292, Feb. 1998)

3-105. Traffic safety school.¹ There is hereby established a traffic safety school for the City of Berry Hill which is to be established pursuant to guidelines set forth by the city judge, reviewed by the city attorney, and approved by the city manager. A fee not to exceed \$30.00 may be charged for attendance to the traffic safety school and a certificate of completion shall be given each person who completes the course. The course of instruction shall be given by a qualified instructor and shall require some form of testing at the end of the course. (Ord. #98-292, Feb. 1998)

3-106. Issuance of subpoenas. (1) Subpoenas and subpoenas duces tecum for the attendance of witnesses and or the production of evidence or materials may be issued by the court clerk or judge or at the direction of the judge.

¹Municipal code reference

Motor vehicles, traffic and parking: title 15.

(2) Subpoenas and subpoenas duces tecum shall be issued in a form that substantially complies with Rule 45 of the Tennessee Rules of Civil Procedure and state law for the issuance of subpoenas.

(3) The municipal judge may adopt court rules for the form, issuance, return and validity of subpoenas not inconsistent with state law. Such rules may adopt by reference state law provisions pertaining to subpoenas. The municipal judge may also hear and rule on actions to quash subpoenas.

(4) Any person or persons failing to comply with a lawfully issued subpoena may be fined up to fifty dollars (\$50.00) and/or be subject to such procedural action as the municipal court may direct.

(5) This section is not intended to limit, restrict or replace any authority of the municipal court granted or authorized by state law or state judicial ruling. (as added by Ord. #2008-370, Oct. 2008)