

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. City judge.
3-102. Jurisdiction.
3-103. Popular election, term, salary, etc.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1977 Code, § 1-601)

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.

3-102. Jurisdiction. (1) Violation of municipal ordinances. 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 \$500.

(2) Violation of state laws. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city.

3-103. Popular election, term, salary, etc.¹ (1) Popular election. At the next regular judicial election held in accordance with art. VII, § 5 of the Tennessee Constitution, and every eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years. The city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period before the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution shall be filled as follows:

(a) The board of commissioners shall appoint a city judge to serve until the next regular August general state election;

(b) At the next regular August general state election that takes place at least thirty (30) days after the effective date of this chapter, the qualified voters of the city shall elect a city judge to serve until the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution.

(2) Qualifications. The city judge shall be a resident of the City of Collegedale one year and a resident of Tennessee five years immediately preceding his election, at least 30 years old and licensed to practice law in Tennessee.

(3) Vacancies in office. Vacancies in the office of city judge shall be filled by the board of commissioners for the unexpired portion of the term.

¹Ord. #630, March 2006, setting the compensation of the city judge is of record in the office of the city recorder.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, and costs.

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

3-204. Disturbance of proceedings.

3-205. Electronic citation fee.

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. (1977 Code, § 1-602)

3-202. 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 general sessions¹ for similar work in state cases. (1977 Code, § 3-108)

3-203. 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 city. At the end of each month he shall submit to the board of commissioners 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. (1977 Code, § 1-611)

3-204. 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. (1977 Code, § 1-612)

3-205. Electronic citation fee. (1) A fee of five dollars (\$5.00) shall be collected on each citation for a 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

¹State law reference

Tennessee Code Annotated, § 8-21-401.

Collegedale 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. Four dollars (\$4.00) of such fee shall be retained in a special fund designated for the Collegedale Police Department Electronic Citation Program and used for related expenditures, equipment, repairs, replacement, and training to maintain the electronic citation program.

(2) This ordinance adding this section shall take effect on August 4, 2019, upon the expiration of the effective period established by Ord. #997, the public welfare requiring it. (as added by Ord. #997, July 2014, and replaced by Ord. #1067, April 2019 *Ch7_11-4-19*)

CHAPTER 3

WARRANTS, SUMMONSES, CITATIONS AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Citations in lieu of arrest.

3-304. Issuance of subpoenas.

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. (1977 Code, § 3-103)

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. (1977 Code, § 1-604)

3-303. Citations in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of commissioners appoints the building inspector special police officer having the authority to issue citations in lieu of arrest to any person who violates an ordinance of the City of Collegedale in his presence.

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 office in whose presence the offense was committed shall immediately arrest the

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

3-304. 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. (1977 Code, § 1-605)

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 ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1977 Code, § 1-607)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) entire days thereafter,¹Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond. (1977 Code, § 1-609)

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 in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine 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 located within the county. No other type bond shall be acceptable. (1977 Code, § 1-610)

¹State law reference

Tennessee Code Annotated, section 27-5-101.