

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

- 3-101. City judge.
- 3-102. Jurisdiction.
- 3-103. Maintenance of docket.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Trial and disposition of cases.
- 3-107. Imposition of fines, fees, penalties, and court costs.
- 3-108. Appeals.
- 3-109. Bond amounts, conditions, and forms.
- 3-110. Disposition and report of fines, penalties, and costs.
- 3-111. Disturbance of proceedings.
- 3-112. Court costs.

**3-101. City judge.** Under the authority of *Tennessee Code Annotated*, § 16-18-101, *et seq.*, the office of city judge is established subject to the following requirements.

(1) The municipal 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's charter governing the court presided over by the city recorder.

(2) The city judge shall have the following qualifications:

- (a) Be a high school graduate;
- (b) Be a resident of Franklin County for three (3) years;
- (c) Be at least thirty (30) years of age;
- (d) Must be willing to submit and pass a psychological evaluation administered by a registered/licensed psychologist, to be required at the city council's discretion; and
- (e) No history of misdemeanor violations and conviction(s) of felony offenses.

Any person previously holding this position prior to passage of this chapter would be grandfathered in.

(3) The city judge shall be appointed by the city council and serve at the pleasure of the city council.

(4) Vacancies in the office shall be filled for the unexpired term by the city council.

(5) The city judge shall take the oath of office prescribed in § 9 of the city charter, and shall be bonded in an amount to be fixed by the city council.

(6) The cost of making the bond of the city judge shall be paid by the city.

(7) The salary of the city judge shall be fixed by the city council before his appointment and shall not be altered during his term of service.

(8) The city judge or mayor shall designate a person having the same qualifications listed in subsections (2)(a), (b), (c), (d), and (e) above to serve as city judge during his absence or disability. (1993 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). (1993 Code, 3-102, modified)

**3-103. 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; and all other information that may be relevant. (1993 Code, 3-103, modified)

**3-104. Issuance of summonses.**<sup>1</sup> When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing 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. (1993 Code, 3-105, modified)

**3-105. 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

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest by public officer in traffic cases: title 15, chapter 7.

lawfully served with such a subpoena to fail or neglect to comply therewith. (1993 Code, § 3-106)

**3-106. 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. (1993 Code, § 3-107)

**3-107. Imposition of fines, fees, penalties, and court costs.** All fines, fees, penalties, and court costs shall be established by the board of mayor and aldermen from time to time by ordinance. The city judge shall impose fines, penalties, and costs on the city court docket in open court. (1993 Code, § 3-109)

**3-108. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) entire days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1993 Code, § 3-110)

**3-109. Bond amounts, conditions, and forms.** An appeal bond in any case shall be in the sum of two hundred 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 located within the county. No other type bond shall be acceptable. (1993 Code, § 3-111, modified)

**3-110. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the court clerk 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 city council 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. (1993 Code, § 3-112, modified)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 27-5-101.

**3-111. 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, or by any distracting conduct whatsoever. (1993 Code, § 3-113, modified)

**3-112. Court costs.** The Town of Decherd Municipal Code, imposition of penalties and costs in all cases heard and determined by the city judge, the following court costs and fines shall be imposed:

(1) Court costs in all cases, unless otherwise provided shall be seventy dollars (\$70.00). Such court cost shall not include other statutorily authorized fees, such as interest, litigation tax that may be applied pursuant to state law.

(2) Fines are fifty dollars (\$50.00) unless state law requires a lesser fine.

(3) One dollar (\$1.00) of the court cost in each case shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts pursuant to *Tennessee Code Annotated*, § 16-18-305(b). (Ord. #403, July 2017)