

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. Municipal court and office of city judge established.
- 3-102. Jurisdiction.
- 3-103. Number of judges.
- 3-104. Qualifications and term.
- 3-105. Election of judge.
- 3-106. City judge; salary.
- 3-107. Oath of office.
- 3-108. Office of city court clerk established.
- 3-109. Qualifications.
- 3-110. Term.
- 3-111. Election of clerk.
- 3-112. City court clerk; salary.

¹Charter references

Appeals from: § 53.

Arrestment: § 52.

City judge

Election: § 44.

Oath: § 46.

Qualifications: § 43.

Salary: § 47.

Vacancies: § 45.

Clerk of court: §§ 48, 49, 51.

Fines, forfeitures and penalties: § 12(28) and (29).

Jurisdiction: §§ 42, 49.

Process and warrants: § 51.

Sessions: § 50.

- 3-113. Deputy clerks.
- 3-114. Duties of city court clerk.
- 3-115. Vacancy.

3-101. Municipal court and office of city judge established. There is hereby created for the City of Jackson a city court and the office of city judge to preside over the city court. (1995 Code, § 3-101)

3-102. Jurisdiction. (1) Municipal jurisdiction. The city court 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 five hundred dollars (\$500.00), or the maximum civil penalty allowed under state law, and costs prescribed by ordinance.

(2) Concurrent jurisdiction. The city judge shall also have authority to exercise concurrent jurisdiction 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 of Jackson, but shall exercise such jurisdiction if, and only if, he or she is elected in accordance with this chapter. (1995 Code, § 3-102)

3-103. Number of judges. The City Council of the City of Jackson (the "council") shall establish from time to time by ordinance the number of persons who shall serve as city judge(s) pursuant to this chapter. By this chapter, such number is presently established as one (1). (1995 Code, § 3-103)

3-104. Qualifications and term. All persons serving as city judge pursuant to this chapter shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit: They shall be thirty (30) years of age, shall before their election have been a resident of the State of Tennessee for five (5) years and the City of Jackson for two (2) years, and shall be elected by the qualified voters of the City of Jackson for a term of service of eight (8) years, except for an initial term which may be shorter. In addition, any city judge appointed or elected pursuant to this chapter shall be a lawyer by practice and profession, engaged in the active practice of law and licensed for at least five (5) years, and shall be a person of good moral character. (1995 Code, § 3-104)

3-105. Election of judge. Beginning with the regular judicial election held in August 1998, all elections for city judge pursuant to this chapter shall be held in accordance with Article VII, Section 5 of the Tennessee Constitution. (1995 Code, § 3-105, modified)

3-106. City judge; salary. The salary of the city judge shall be set by the council no less than one (1) year prior to his election. The Jackson city judge is to be compensated at a rate of ninety-seven thousand five hundred dollars (\$97,500.00) per year, and an annual cost of living adjustment shall be applied,

the percentage of which shall be equal to that established for city employees in general. (Ord. #2005-025, Aug. 2005)

3-107. Oath of office. The city judge, before entering upon the performance of his duties shall take the same oath as the mayor and council, said oath to be administered by the mayor or recorder. (1995 Code, § 3-108)

3-108. Office of city court clerk established. There is hereby established the office of city court clerk to be elected as hereinafter provided. (1995 Code, § 3-109)

3-109. Qualifications. The person serving as clerk of the city court shall be a person of good moral character, shall be a resident of the City of Jackson, and shall meet such other qualifications as the council may hereafter determine by ordinance. (1995 Code, § 3-110)

3-110. Term. All persons serving as clerk of the city court pursuant to this chapter shall be elected by the qualified voters of the City of Jackson for a term of four (4) years except for an initial term which may be shorter. (1995 Code, § 3-111)

3-111. Election of clerk. At the August general election in 1998, and each and every four (4) years thereafter, the city court clerk shall be elected by the qualified voters of the city for a term of four (4) years. (1995 Code, § 3-112, modified)

3-112. City court clerk; salary. The salary of the city court clerk shall be three thousand dollars (\$3,000.00) per month, or such other amount as may hereafter be established by ordinance, provided, however, that the salary shall not be adjusted during the clerk's term of office. (Ord. #2002-030, Aug. 2002)

3-113. Deputy clerks. The clerk of the city court may, with the approval of the council, engage such deputies and fix their compensation as may from time to time be approved by the council by resolution. (1995 Code, § 3-114)

3-114. Duties of city court clerk. The city court clerk shall have all of the powers and duties prescribed for clerks of courts of general sessions by state law and is hereby empowered to administer oaths and affirmations, collect and receive all fines, fees, penalties, and costs, which shall be paid into the city treasurer, to issue process, to take bail in any case of which the court has jurisdiction, and to approve all appeal bonds, and to keep dockets and other court records. (1995 Code, § 3-115)

3-115. Vacancy. A vacancy in the office of the elected city court clerk may be filled temporarily by appointment of the city judge until the next regular general election. At such election, a person shall be elected to serve any unexpired term if the full term is not to be filled at such election. (1995 Code, § 3-117)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Schedule of court costs.
- 3-205. Garnishment, execution, fees, and costs.
- 3-206. Disturbance of proceedings.

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, and if not, why not; whether committed to workhouse; and all other information which may be relevant. (1995 Code, § 3-201)

3-202. Imposition of fines, penalties, and costs.¹ All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1995 Code, § 3-202)

3-203. 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 into the general fund of the city. The docket shall be audited annually, or more often if directed by the city council. (1995 Code, § 3-203)

3-204. Schedule of court costs.² In all matters involving violation of city ordinances, which are civil rather than criminal cases, the costs imposed for each citation shall be:

- Moving vehicle violations. \$20.00
- All other violations, including misdemeanors . \$25.00

For cases involving violation of state criminal laws, in which the court is exercising criminal court jurisdiction, the costs imposed shall be in accordance

¹Charter reference
 Authority for fines, forfeitures and penalties: § 12(28) and (29).

²State law reference
 Costs under state law: Tennessee Code Annotated, § 8-21-401.

with the schedule of court costs set out in state law at Tennessee Code Annotated, § 8-21-401.

3-205. Garnishment, execution, fees, and costs. (1) Upon failure of a defendant to comply with an order of the court where the judge has entered a judgment for fines and costs and same remains unpaid for thirty (30) days thereafter, the court is authorized through its court clerk to issue execution thereon from the court in the same manner and method as prescribed in Tennessee Code Annotated, title 26, chapters 1, 2, and 3, and court clerk shall assess the same fees and costs as allowable to clerks of general sessions court.

(2) For the purposes of service of a levy of execution or execution by garnishment the police officers of the city are empowered to serve same anywhere in the county.

(3) Authority for this section is granted pursuant to Tennessee Code Annotated, § 6-54-303. (as added by Ord. #2014-002, Jan. 2014)

3-206. 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. (1995 Code, § 3-205, as renumbered by Ord. #2014-002, Jan. 2014)

CHAPTER 3

WARRANTS, SUMMONSES, AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge, court clerk and deputy court clerk shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1995 Code, § 3-301)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city court, the judge, court clerk and deputy court clerk may in their 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. (1995 Code, § 3-302)

3-303. Issuance of subpoenas.² The city judge, court clerk and deputy court clerk may subpoena as witnesses all persons whose testimony they believe will be relevant and material to matters coming before the court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1995 Code, § 3-303)

¹Charter reference: § 51.

State law reference

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

²Charter reference: § 51.

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 city court clerk, deputy court clerk, or in their absence, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1995 Code, § 3-401)

3-402. Appeals.¹ Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1995 Code, § 3-402)

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 such sum as the city judge shall prescribe, not to exceed 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 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 within the county. No other type bond shall be acceptable. (1995 Code, § 3-403)

¹Charter reference: § 53.

State law reference

Tennessee Code Annotated, § 16-18-307.