

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. City judge.
- 3-102. Jurisdiction.

3-101. City judge. (1) Appointment and term. The city judge shall be appointed by the board of mayor and aldermen and shall serve at the will and pleasure of the board of mayor and aldermen. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner and prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of thirty (30) years of age and be a resident of Henderson County. If the city judge for any reason removes his domicile from Henderson County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

(4) Salary. The sole compensation for serving as city judge shall be a salary fixed by the annual budget ordinance. (as replaced by Ord. #200510, Oct. 2005)

¹Charter reference

Mayor as judge: § 13.

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 under the general penalty provision of this code. (as added by Ord. #200510, Oct. 2005)

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. Disturbance of proceedings.

3-205. Trial and disposition of cases.

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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant.

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.

In all cases heard or determined by the city judge, the city judge shall tax in the bill of costs in accordance with the following schedule:

	Traffic Cases	Criminal Cases
State litigation tax	\$ 13.75	\$ 13.75
Clerk = cost and docketing	60.00	60.00
Officers fees	34.00	34.00
City litigation tax	13.75	13.75
Data processing fee	2.00	2.00
Fingerprint fee		5.00
Total costs	\$123.50	\$128.50

(2) (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. (as replaced by Ord. #200505, June 2005, Ord. #201004, Oct. 2010, and 201407, Aug, 2014, and amended by Ord. #201408, Aug. 2014)

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 over daily to the city. 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.

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.

3-205. 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.

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 shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

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 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.

3-303. 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.

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-404. Driver's license held as security in minor traffic violations.

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.

3-402. Appeals. 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, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹

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.

3-404. Driver's license held as security in minor traffic violations.
(1) Any person arrested by a police officer for violating a traffic law shall be taken before a judge of the city court or before a clerk of such court for the posting of an appearance bond guaranteeing the appearance of such person

¹State law reference

Tennessee Code Annotated, § 27-5-101.

before the city court to answer the charge for which arrested. In the alternative, whenever any person so arrested possesses a lawful chauffeur's or operator's license issued to such person by the department of safety of the State of Tennessee, except such persons as are charged with driving under the influence of intoxicant or narcotic drug or leaving the scene of an accident, may be given the option of depositing his chauffeur's or operator's license with the arresting officer or with the court in lieu of any other security or appearance bond.

Whenever any person deposits his chauffeur's or operator's license as provided, either the arresting officer or the court demanding bail shall issue such person a receipt for said license upon a form approved or provided by the department of safety, and thereafter said person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

The clerk or judge of the city court accepting such license shall forward said license to the department of safety in the event the arrested person fails to appear to answer the charge against him and such license shall not be released by the department of safety until the charge for which such license was deposited has been disposed of by the court in which pending.

(2) The arresting officer in all cases will deliver to the person arrested a citation on a form provided by the city recorder setting forth the violation for which the arrest was made and citing the arrested party to appear and answer the charge against him in the city court of the City of Lexington at a time at least forty-eight (48) hours after the alleged violation specified in said citation. (Ord. of May 2, 1972.)