

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.

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

¹Charter references

Jurisdiction: Art. VII, § 5.

Fines, costs, etc.: Art. VII, § 8.

Appeal: Art. VIII, § 10.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition and remission of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. Collection of unpaid municipal court fines and costs.

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. (1977 Code, § 1-602)

3-202. Imposition and remission of fines and costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

After any fine and costs have been so imposed and recorded, the city judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

All persons appearing before the city court and found guilty of the offense for which he is charged, or any lesser offense, shall pay the following court costs:

Clerk fee:	\$19.00
Arrest fee:	\$18.00
State fee:	\$13.75 (where applicable)
Municipal training fee:	\$ 1.00
Total court cost:	\$51.75
Admin. Fee:	\$25.75
TBI fee on cash bonds:	\$13.75

The arresting officer shall receive no part of the court cost nor the arrest fee. (1977 Code, § 1-608, as amended by Ord. #6, 2012, Sept. 2012)

3-203. Disposition and report of fines and costs. All fines, costs, and forfeitures shall be collected by the chief of police or his representative and deposited to the account of the city court. Such funds shall be paid over monthly

to the recorder and the city judge shall then submit to the governing body 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. (1977 Code, § 1-610)

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, § 1-611)

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. (1977 Code, § 1-606)

3-206. Collection of unpaid municipal court fines and costs.

(1) Upon a municipal court judgment becoming final and unpaid, the judgment shall be tendered to the city attorney for collection.

(2) Should the city attorney be unable to collect judgment for unpaid fines and/or court costs within ninety (90) days of it becoming final, the city shall tender the unpaid judgment to a professional collection firm.

(3) The mayor and city recorder are hereby authorized, empowered and directed to enter into a written contract with a professional collection firm for such collection services.

(4) Collection costs incurred by the city attorney or the professional collection firm shall be paid by the defendant to the extent permitted by law.

(5) The professional collection firm is expressly prohibited from filing any court action, execution or garnishment for the collection of such fines and court costs. (as added by Ord. #2-2009, March 2009)

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 or acting city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1977 Code, § 1-603)

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. (1977 Code, § 1-604)

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. (1977 Code, § 1-605)

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. 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.

Any person cited or arrested for violation of any city ordinance shall have the right to post a cash bond for his appearance as follows:

<u>OFFENSE</u>	<u>AMOUNT</u>
Possession of open whiskey	\$ 95.00
Open beer in public	\$ 95.00
Discharging firearm	\$100.00
Littering	\$ 85.00
Animals at large/violation leash law	\$ 85.00
Violation fireworks ordinance	\$ 85.00
Violation zoning laws/violation vendor's permit	\$ 85.00
Contempt of court	\$100.00
Violation of safety equipment (helmets, goggles)	\$ 95.00
Loud and excessive noise	\$ 95.00
Improper parking	\$ 35.00
Speeding	\$ 88.75
Violation stop sign	\$ 88.75
Violation stop light	\$ 88.75
Improper passing	\$ 88.75
Wrong-way on one-way street	\$ 88.75
Violation vehicle equipment	\$ 75.00
Following too closely	\$ 88.75
Financial responsibility	\$101.75
Failure to yield	\$ 88.75

(1977 Code, § 1-607, as amended by Ord. #6, 2012, Sept. 2012)

3-402. 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, § 1-609)