

TITLE 3

MUNICIPAL COURT

CHAPTER

1. JUDICIAL DEPARTMENT.
2. COURT ADMINISTRATION.
3. SUMMONSES.
4. BONDS AND APPEALS.
5. COURT FINES AND COSTS.

CHAPTER 1

JUDICIAL DEPARTMENT¹

SECTION

3-101. Judicial department.

3-101. Judicial department. In accordance with public act of the General Assembly of the State of Tennessee, the judicial department of the city shall be established and administered in the following manner.

(1) Number of judges. The board of mayor and aldermen ("board") shall establish from time to time, by ordinance, the number of persons who shall serve as city judge(s). By this chapter such number is established as one (1).

(2) Qualifications and term. All persons serving as city judge shall meet the qualifications established by the Tennessee Constitution, art. VI, § 4, to-wit: they shall be 30 years of age, shall before their election have been a resident of the state of Tennessee for five years and of the city for one year, and shall be elected by the qualified voters of the city for a term of service of eight years,

(a) except for certain instances in which a person(s) may be appointed as city judge(s) for a term which shall expire after the next applicable regular August general election, and

(b) except for any initial term of elected service which may be shorter, all as provided hereinafter. Further, such person must be a practicing attorney, licensed in the State of Tennessee, and in good standing in all of the Courts in the State of Tennessee.

¹Charter reference

Judicial commissioner: § 14.

Pursuant to Tennessee Code Annotated, § 16-18-201, the provisions of this chapter are provided as an alternative to Priv. Acts 1993, ch. 102, which contains charter provisions relating to the city judge.

(3) Jurisdiction and powers. The jurisdiction of the city judge(s) shall extend to the trial of all offenses against the ordinances of the city and concurrently with the Court of General Sessions of DeKalb County, Tennessee, for violation of the criminal laws of the state. Costs in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be established under general laws of the state of Tennessee.

The city judge(s) shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for contempt by fine of confinement not exceeding the limits provided by general laws.

(4) Bail. The bail of persons arrested and awaiting trials and persons appealing the decision of a city judge shall be fixed by the city judge and upon such security as in his discretion he deems necessary or as otherwise may be provided by ordinance or general law.

(5) Separation of powers. The city judge(s) shall be the exclusive judge of the law and facts in every case before him and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

(6) Popular election of judge(s). The popular election of the city judge(s) is hereby chosen as an alternative to the present method of selecting the city judge(s) as set out in the charter of the city, and all city judges shall be popularly elected, subject to the provisions for initial appointments as provided for herein and appointments to fill any vacancy.

(7) Term; election procedure. The term of office of a city judge shall be eight years, except for any initial term that may be shorter as provided herein. Upon this ordinance becoming effective, the board may appoint a qualified person(s) to serve in the position of city judge(s) until the next regular August general election. The first city judge(s) popularly elected pursuant to this ordinance and state law shall be elected at the next regular August general election that takes place at least 30 days after this ordinance becomes effective. The person(s) elected in the aforesaid election shall serve only until replaced by a successor to be chosen at the next regular judicial election held in accordance with the Tennessee Constitution, art. VII, § 5. All subsequent elections for city judge pursuant to this ordinance and general law shall be held in accordance with the Tennessee Constitution, art. VII, § 5.

(8) Vacancy. A vacancy in the office of city judge shall be filled by appointment by the board. The person appointed, however, may serve only until the next regular August general election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not to be filled at such election. In temporary absence or inability of a city judge, the board shall appoint a qualified person to serve until the judge's return.

(9) Compensation. The salary and any other benefits relating to the office of all city judges shall be established by the board by ordinance prior to

the commencement of the term of office and shall not be increased nor diminished during such term. The salary for the office of city judge is hereby fixed at \$800.00 per month. The salary shall be paid monthly from the general fund of the city.

(10) Records; docket; city clerk. The city does not elect, as permitted by the laws of the State of Tennessee, to require the city court clerk to be elected. The secretary/treasurer shall have the duty of maintaining all records of the city court in accordance with applicable laws. The board may employ on behalf of the city a person to assist him in this function and such person shall be designed a city court clerk. The board shall require the proper maintenance of the docket of the city court and other records of the court. Subject to general law and the authority of the city judge(s), the board shall fix the regular time for holding court. (Ord. #243, May 1993)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Disturbance of proceedings.

3-201. Maintenance of docket. The city judge shall keep a complete docket record of all causes coming before the city court. (1976 Code, § 1-703)

3-202. Disturbance of proceedings. It shall be unlawful for any person to create a disturbance of any trial before the city court by any loud or unusual noise or any indecorous, profane, or blasphemous language. (1976 Code, § 1-704)

CHAPTER 3

SUMMONSES

SECTION

3-301. Failure to obey summons, etc.

3-301. Failure to obey summons, etc. It shall be unlawful for any person to wilfully refuse, when legally summoned, to attend any trial or give testimony before the city judge in any cause pending before the city court. (1976 Code, § 1-705)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Deposit of license in lieu of bail.

3-401. Deposit of license in lieu of bail. Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, in a municipality having a city court or a county having a general sessions court, the municipality may by ordinance and the county may by resolution of its quarterly county court or other legislative body, allow such person to have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in any court of the municipality or county in answer to such charge before the court.

Whenever any person hereof deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as hereinabove described, shall issue said 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 a court accepting the license shall thereafter forward to the Department of Safety, the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him and which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending. In the case of a nonresident driver whose license is thus received by the Department of Safety, the department shall forthwith notify the proper motor vehicle administrative authority of the state in which such nonresident driver is licensed that the license of such driver is being held by the department pending disposition of the charge against such driver.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, county or municipality, except that where the licensee has previously deposited his license with the officer or court demanding bail, and has received a receipt from the officer or the court, the same to serve as a substitute for the license until the

specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit. (Ord. #113, Dec. 1976)

CHAPTER 5

COURT FINES AND COSTS

SECTION

3-501. Litigation tax.

3-502. Assessment for electronic fingerprint imaging system.

3-503. State laboratory fee for blood alcohol determination.

3-504. State laboratory fee for drug/substance analysis.

3-505. City court fines and costs.

3-501. Litigation tax. In every case where the accused actually appears in court on the charged offense, the litigation tax shall be thirteen dollars and seventy-five cents (\$13.75) for each offense charged. (Ord. #281, Nov. 1998)

3-502. Assessment for electronic fingerprint imaging system. One dollar (\$1.00) will be added to the court costs in criminal cases to be earmarked for electronic fingerprint imaging systems for local law enforcement agencies. (Ord. #281, Nov. 1998)

3-503. State laboratory fee for blood alcohol determination. A fee of seventeen dollars and fifty cents (\$17.50) will be assessed to each defendant convicted of either driving under the influence of an intoxicant or adult driving while impaired where that defendant has submitted to a blood alcohol test. (Ord. #281, Nov. 1998)

3-504. State laboratory fee for drug/substance analysis. A fee of twenty dollars (\$20.00) will be assessed to each defendant convicted of any drug related offense(s) where laboratory analysis is required to identify substances existing either in the defendant's possession, or in the defendant's body. (Ord. #281, Nov. 1998)

3-505. City court fines and costs. A detailed listing of fines and court costs is attached hereto as Exhibit No. 1.¹

¹Exhibit 1 to Ordinance No. 281 (Nov. 1998) is of record in the office of the recorder.