

**TITLE 3****MUNICIPAL COURT****CHAPTER**

1. CITY COURT.
2. CITY JUDGE.
3. COURT ADMINISTRATION.
4. BONDS AND APPEALS.
5. CITATIONS, WARRANTS, AND SUMMONSES.

**CHAPTER 1****CITY COURT****SECTION**

- 3-101. City court established.
- 3-102. Sessions of city court.
- 3-103. Office of city court clerk.
- 3-104. Duties of city court clerk.
- 3-105. City litigation tax; court costs.
- 3-106. Commencement of action in city court.
- 3-107. Failure to appear.

**3-101. City court established.** There is hereby established the City Court of Sparta, Tennessee, to have jurisdiction over misdemeanors of the State of Tennessee committed within the corporate limits of Sparta and violations of ordinances of the City of Sparta, concurrent with the General Sessions Court of White County, Tennessee. (1978 Code, § 1-2A01)

**3-102. Sessions of city court.** The city court shall meet at least once each week, on a day not scheduled for the holding of General Sessions Court in White County. The judge of the city court may, in his or her discretion, convene court at such other times as shall be convenient to him or her. The city court shall convene at such hour as may be suitable to the city judge, provided that the city judge shall designate a normal day and hour for the convening of court in order to facilitate certainty in the scheduling of matters before him. (1978 Code, § 1-2A11)

**3-103. Office of city court clerk.** There is hereby established the office of city court clerk. The city court clerk shall be an employee of the City of Sparta, under the direct guidance, jurisdiction and control of the city judge and the city administrator. The city court clerk may be designated to perform other duties in addition to those of city court clerk provided that time permits same.

The city court clerk shall be a regular employee of the City of Sparta, subject to all of the terms and conditions of employment as set forth in § 4-201, et seq. of the Sparta Municipal Code. (1978 Code, § 1-2A12)

**3-104. Duties of city court clerk.** The city court clerk shall be charged with the following responsibilities:

- (1) Of keeping all records pertaining to the operation of the city court.
- (2) Of keeping, in a well-bound book, a docket of all cases brought in the city court.
- (3) Of issuing warrants, affidavits of complaint, subpoenas, capias, or such other process or documents as may be necessary and proper in the commencement or prosecution of a case.
- (4) Of collecting all fines and costs levied against persons, firms and corporations by judgment of the city court judge for violations of law in cases therein.
- (5) Of keeping appropriate and proper financial records pertaining to the operation of the city court showing receipts and disbursements, in accordance with such rules, regulations or procedures for financial reporting and fiscal responsibility as may be prescribed from time to time by the city administrator or other Chief Fiscal Agent of the City of Sparta.
- (6) Of doing such other acts and performing such other duties as may be required by the city judge for the more economical, efficient operation of the city court. (1978 Code, § 1-2A13)

**3-105. City litigation tax; city court costs.** (1) There is hereby levied on all cases brought in the city court, in addition to the state litigation tax, a city court cost in the sum of seventy dollars (\$70), to defray the cost of operation of the court.

(2) For trial of state and municipal offenses in city court, the cost incident thereto, in addition to the litigation tax set out hereinabove, shall be equal to any litigation taxes lawfully enacted by the State of Tennessee and chargeable and collectable by the city court, and in addition thereto any and all fees authorized by statute in regard to the services of law enforcement and/or court officers.

(3) The costs shall be taxed against the defendant; if judgment is rendered against him/her. In the event that the case is prosecuted by a law enforcement or codes enforcement officer, and the case is dismissed, the costs shall be waived.

(4) In any cause in which a private citizen files a complaint in the city court, the judge thereof shall have full discretion to assess costs against the complainant in the event that the charge is determined without merit or the complainant fails to appear for prosecution thereof.

(5) The city court cost in the amount established in paragraph (1) above, shall be assessed against all actions commenced by citation issued by a

duly authorized and acting law enforcement or ordinance enforcement officer for the purpose of defraying the administrative costs for operation of the city court. (1978 Code, § 1-2A16, as amended by Ord. #01-735, June 2001, and Ord. #01-741, Nov. 2001)

**3-106. Commencement of action in city court.** All actions in city court shall be commenced by citation issued by a duly authorized and acting law enforcement or other ordinance enforcement officer, or by warrant issued by the city court clerk based upon an affidavit of complaint setting forth the offense charged, signed by a citizen with knowledge of the facts constituting the offense. The citation or affidavit of complaint shall set a date and time for trial of the cause. (1978 Code, § 1-2A17)

**3-107. Failure to appear.** Any person who fails to appear in city court to answer a summons or citations for the violation of any ordinance or provision of this code shall be guilty of a civil offense punishable under the general penalty provision of this code. (as added by Ord. #03-766, June 2003)

## CHAPTER 2

### CITY JUDGE

#### SECTION

- 3-201. Office of city judge established.
- 3-202. Qualifications.
- 3-203. Term of office.
- 3-204. Vacancy in office.
- 3-205. Oath of office.
- 3-206. Bond.
- 3-207. Compensation.
- 3-208. Temporary absence of disability.
- 3-209. Removal from office.
- 3-210. Jurisdiction.
- 3-211. Contempt powers.

**3-201. Office of city judge established.** There is hereby established the office of city judge. The city judge shall have and be vested with the judicial powers and functions of the recorder as provided in § 11 of the Charter of the City of Sparta, Tennessee, and shall further be vested with all judicial powers and functions allowable to the judges of city courts or municipal courts by the laws of the State of Tennessee. The city judge shall be subject to the provisions of law and of the charter of the City of Sparta governing the municipal court over which the recorder has presided. (1978 Code, § 1-2A02)

**3-202. Qualifications.** The city judge shall at election and at all time thereafter during his or her term or period of service as such have the following minimum qualifications:

He or she shall be:

- (1) An attorney at law having graduated from a fully accredited school or college of law and having a presently valid license to practice law in the Courts of the State of Tennessee, as issued by the Supreme Court of Tennessee.
- (2) A person of good moral character, who has not been convicted of a felony under the laws of the State of Tennessee or of any other State of the United States.
- (3) A resident of White County, Tennessee, with law offices located in White County, Tennessee; provided, however, that a non-resident of White County may be elected and serve as city judge in the event that no otherwise qualified person who is a resident of White County, Tennessee is available and will so serve.
- (4) At least thirty (30) years of age at the time of election.
- (5) A person who is not serving as an elected, appointed official or employee of the City of Sparta, Tennessee. (1978 Code, § 1-2A03)

**3-203. Term of office.** The city judge shall be appointed by the Board of Mayor and Aldermen of the City of Sparta to serve at the pleasure of that body, upon the recommendation of the Mayor of the City of Sparta. His or her initial term shall be to August 1, 1987. The mayor shall recommend and the board of mayor and aldermen appoint a city judge at the first meeting of July, 1987 and each odd-numbered year thereafter, to commence serving on August 1st of such year. There shall be no limit upon the number of terms which an individual may serve as city judge. (1978 Code, § 1-2A04)

**3-204. Vacancy in office.** The Board of Mayor and Aldermen of the City of Sparta shall, upon recommendation of the mayor, have the power and authority to fill any vacancy in the office of city judge having been created by the death, resignation, or removal of the previous city judge. The successor so selected shall serve the remainder of the term of his or her predecessor. (1978 Code, § 1-2A05)

**3-205. Oath of office.** The city judge after appointment shall, prior to entering upon the duties of the office, have administered to him by the Mayor of the City of Sparta the following oath:

"I, \_\_\_\_\_, having been duly sworn, do hereby make oath or affirm, that I possess all of the qualifications necessary to serve as City Judge of Sparta, Tennessee, and that I shall, to the best of my ability, serve the citizens of Sparta, Tennessee as City Judge for the term of office to which I have been appointed.

I do further make oath or affirm that I will, to the best of my ability, adhere to and enforce the laws, ordinances, rules and regulations of the City of Sparta, Tennessee, the State of Tennessee, and the United States of America, insofar as the same are applicable to my tenure and jurisdiction as City Judge." (1978 Code, § 1-2A06)

**3-206. Bond.** The city judge shall be bonded in the amount of \$10,000 to secure and make certain the faithful performance of the duties and responsibilities of the office to which he or she is appointed. The bond of the city judge shall be paid by and be a lawful expense of the City of Sparta. (1978 Code, § 1-2A07)

**3-207. Compensation.** The compensation of the city judge shall be fixed by the board of mayor and aldermen by resolution for terms concurrent with the judge's term of office. During a judge's term of office, the board shall not reduce the judge's compensation except in connection with a general wage/salary reduction applicable to all city employees, and then only in an amount not exceeding by proportion the percentage reduction applied to all city employees.

Any portion of the compensation package for the city judge, including any retirement benefit, fixed by the board of mayor and aldermen, may be waived

by the city judge. The occupant of the office of city judge shall give written notice to the city administrator of the intent to waive any portion of the compensation package fixed by the board of mayor and aldermen. The city judge shall execute the waiver, and upon its execution, the city judge shall not in the future be entitled to any compensation waived. (1978 Code, § 1-2A08)

**3-208. Temporary absence or disability.** (1) The city judge may, upon his temporary absence causing a temporary inability to perform his duties, appoint an interim city judge possessing the minimum qualifications set forth in § 3-202 hereinabove. Such interim city judge shall serve without compensation in the absence of any agreement to provide that the incumbent city judge forego some portion of his compensation in order to allow same.

(2) Upon the temporary disability of the city judge, for a period of more than thirty (30) days, the board of mayor and aldermen shall select an interim city judge to serve for the period of disability, and to receive the compensation of the city judge during said period. (1978 Code, § 1-2A09)

**3-209. Removal from office.** The city judge may be removed, either temporarily or permanently, for cause, upon the affirmative vote of five (5) members of the board of mayor and aldermen. For purposes of this section, cause shall be:

(1) Failure to meet the minimum qualifications set forth in § 3-202 hereinabove.

(2) Notoriously disgraceful personal conduct unbecoming a judicial officer.

(3) Failure to meet prescribed standards pertaining to the holding of court and the performance of such other duties as are specifically covered by the office.

(4) Mental or physical incapacity or disability. Such may be temporary or permanent, and removal of the city judge based hereupon may be either temporary or permanent as the situation warrants. The city judge may not be removed without his consent based upon his physical or mental incapacity unless the board of mayor and aldermen obtains an opinion, from a treating or consulting physician, psychiatrist or psychologist attesting to the incapacity. The city judge shall be subject to request for medical examination in the same manner as other city employees. (1978 Code, § 1-2A10)

**3-210. Jurisdiction.** The city judge shall have jurisdiction over all misdemeanors of the State of Tennessee and over all violations of ordinances, rules, and regulations of the City of Sparta, Tennessee, which occur within the corporate limits of the City of Sparta, Tennessee. His or her jurisdiction shall be concurrent with the jurisdiction of the White County General Sessions Court Judge; provided, however, that he or she shall not have jurisdiction over the following:

- (1) Matters of probate law.
- (2) Matters of domestic relations law.
- (3) Matters of juvenile law, except as may be appropriate where juveniles may be punishable for traffic offenses and the like.
- (4) Initial appearances, bond hearings, or preliminary hearings in felony cases.

Nothing herein shall be so construed as to require that the city judge assert jurisdiction over the various misdemeanors of the State of Tennessee, although such jurisdiction is granted. The city judge shall have the discretion to limit his or her own jurisdictional authority in the event that he or she deems certain classes of misdemeanor offenses to be the more appropriate province of other courts of this county or state. (1978 Code, § 1-2A14)

**3-211. Contempt powers.** The city judge shall have all of the powers of contempt available to a Judge of the General Sessions Court, including the power to levy jail sentences if necessary in appropriate cases. (1978 Code, § 1-2A15)

## CHAPTER 3

### COURT ADMINISTRATION

#### SECTION

3-301. Disturbance of proceedings.

3-302. Trial and disposition of cases.

**3-301. 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. (1978 Code, § 1-2A22)

**3-302. Trial and disposition of cases.** Every person charged with committing a misdemeanor or violating a municipal ordinance shall be entitled to trial and disposition of his or her case within a reasonable time; the city judge shall, however, have the discretionary power and authority to grant continuances to either party for a reasonable period of time upon good cause shown, in his discretion. (1978 Code, § 1-2A18)



## 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 the case, be allowed to post an appearance bond with the city judge or city court clerk, or in their absence with the ranking police officer on duty at the time, provided that such alleged offender is not drunk or otherwise in need of protective custody. (1978 Code, § 1-2A19)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him or her 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.<sup>1</sup> (1978 Code, § 1-2A20)

**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), or the combined amount of fine and costs levied by the city court, whichever is greater, 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 White County, Tennessee. No other type bond shall be acceptable. (1978 Code, § 1-2A21)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

## CHAPTER 5

### CITATIONS, WARRANTS, AND SUMMONSES

#### SECTION

3-501. Citations in lieu of arrest in non-traffic cases.

3-502. Summonses in lieu of arrest.

**3-501. Citations in lieu of arrest in non-traffic cases.** Pursuant to Tennessee Code Annotated, § 7-68-101, et seq., the board of mayor and aldermen appoints the chief and all paid firefighters in the fire department and the codes enforcement officer to be special police officers having the authority to issue citations in lieu of arrest. The chief and firefighters in the fire department shall have the authority to issue citations in lieu of arrest for violations of the provisions of title 7 and of the municipal code of ordinances which includes the fire code adopted in chapter 2 of title 7; for violations of the provisions of title 13, chapter 1, paragraphs 113 through 116; and for violation of title 17, chapter 1, paragraph 121 of the municipal code. The codes enforcement officer shall have the authority to issue citations in lieu of arrest for violations of the provisions of title 12 including the various codes as specified in chapter 1, paragraph 12-102 of title 12, the property and maintenance provisions of title 13, and the zoning provisions of title 14 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed may seek the assistance of a police officer to witness the violation. The police officer that witnesses the violation may issue a citation in lieu of arrest for the violation or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person as provided in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (as added by Ord. #03-766, June 2003)

**3-502. Summonses in lieu of arrest.** Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the superintendent in the street and sanitation department and the animal control officer to issue ordinance summonses in

those areas. These enforcement officers may not arrest violators or issue citation in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give summons to the offender.

The ordinance summons shall contain the names and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offence occurred may:

(1) Have a summons issued by the clerk of the city court or

(2) May seek the assistance of a police officer to witness the violation.

The police officer that witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person as provided in § 3-501 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (as added by Ord. #03-766, June 2003)