

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. MUNICIPAL COURT.

CHAPTER 1

MUNICIPAL COURT

SECTION

3-101. Qualifications, manner of selection, compensation, oath of office, and manner of filling vacancies in the office of municipal judge.

3-102. Municipal court schedule of offenses, fines and cost.

3-103. Failure to appear.

3-101. Qualifications, manner of selection, compensation, oath of office, and manner of filling vacancies in the office of municipal judge.

(1) The Municipal Judge for the City of Spencer, Tennessee shall be thirty (30) years of age, and shall be a resident of the State of Tennessee for five (5) years and a resident of the City of Spencer for one (1) year. In the event he or she removes his or her residency from the City of Spencer he or she shall automatically vacate his or her office.

(2) The city judge shall be appointed by, and serve at the will and pleasure of the board of mayor and aldermen.

(3) Vacancies in the office of city judge shall be filled by the board of mayor and aldermen.

(4) The compensation of the city judge shall be set by ordinance.²

(5) Before entering upon the duties of office the municipal judge shall take the oath or affirmation required of judges of courts of Tennessee as set out in Tennessee Code Annotated, § 17-1-104.

(6) The board of mayor and alderman shall designate a qualified person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as city judge. (Ord. #11, Dec. 1923, as replaced by Ord. #2011-4, Sept. 2011)

¹Charter reference: § 14.

²Ordinances setting compensation of city judge are of record in the recorder's office.

3-102. Municipal court schedule of offenses, fines and cost.**(1) MUNICIPAL COURT
OFFENSES AND FINES AND COST
EFFECTIVE OCTOBER 1, 2011**

	<u>FINE</u>	<u>COST</u>	<u>TOTAL</u>
Violation of registration law	25.00	100.00	125.00
No drivers license	25.00	100.00	125.00
Violation of light law	25.00	100.00	125.00
Violation of muffler law	25.00	100.00	125.00
Running red light	50.00	100.00	150.00
Running stop sign	50.00	100.00	150.00
Failure to yield	50.00	100.00	150.00
Following too close	50.00	100.00	150.00
Improper lane change/usage	50.00	100.00	150.00
Improper turn/passing	50.00	100.00	150.00
Obstructing traffic	50.00	100.00	150.00
Corner cutting	50.00	100.00	150.00
Littering	50.00	100.00	150.00
Open container	50.00	100.00	150.00
Violation safety equipment	50.00	100.00	150.00
Allowing unlicensed driver to drive	50.00	100.00	150.00
Careless driving	50.00	100.00	150.00
Violation of bumper law	50.00	100.00	150.00
Tinted windows	50.00	100.00	150.00
Child restraint	50.00	100.00	150.00
Passing school bus	50.00	100.00	150.00
Violation of financial	50.00	100.00	150.00

<u>SPEEDING</u>	<u>FINE</u>	<u>COST</u>	<u>TOTAL</u>
(+ 9 miles over)	15.00	100.00	115.00
(+ 10 - 19 miles over)	25.00	100.00	125.00
(+ 20 - 29 miles over)	40.00	100.00	140.00
(+30 miles over)	50.00	100.00	150.00
Seat belt 1st offense	10.00		10.00
Seat belt 2nd offense	20.00		20.00

(2) In all cases heard and determined by him or her, the municipal judge shall impose court cost in the amount set forth in the municipal court schedule of offenses, fines and cost. (Ord. #69-10, June 1969, as replaced by Ord. #2011-4, Sept. 2011, and amended by Ord. #2012-3, March 2012)

3-103. Failure to appear. (1) It is unlawful and a violation of the ordinances of the City of Spencer for any person to knowingly fail to appear as directed by lawful authority if the person:

(a) Has been lawfully issued a citation of the City of Spencer commending such person to appear before the municipal court of the City of Spencer.

(b) Has given a written promise to appear in the municipal court of the City of Spencer to a lawful officer of the City of Spencer upon the issuance of a traffic citation, unless such person elects to forfeit the prescribed cash bond or deposit accepted by the City or unless the citation is otherwise dismissed.

(2) It is a defense to the offense of failure to appear that the person had a reasonable excuse for failure to appear at the specified time and place.

(3) Failure to appear before the municipal court is a separate offense and violation of ordinance from the offense or violation of ordinance for which the defendant failed to appear.

(4) Failure to appear is a civil offense punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances. (as added by Ord. #2012-4, March 2012)