

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY COURT.

CHAPTER 1

CITY COURT

SECTION

- 3-101. City judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Trial and disposition of cases.
- 3-107. Appearance bonds authorized.
- 3-108. Imposition of fines, penalties, and costs.
- 3-109. Appeals.
- 3-110. Bond amounts, conditions, and forms.
- 3-111. Disposition and report of fines, penalties, and costs.
- 3-112. Disturbance of proceedings.
- 3-113. Court costs.
- 3-114. Administrative fee.
- 3-115. Electronic traffic citation fee.

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. (1981 code, § 1-301)

3-102. 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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1981 code, § 1-302)

¹Charter reference

See Article XI, City Court, for appointment, rehearings, restrictions on office of city judge, etc.

3-103. Issuance of arrest warrants.¹ The city judge or the lawful "acting city judge" shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1981 code, § 1-303)

3-104. 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 personally to 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. (1981 code, § 1-304)

3-105. Issuance of subpoenas. The city judge may subpoena as witnessed 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. (1981 code, § 1-305)

3-106. 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. (1981 code, § 1-306)

3-107. 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 or protective custody. (1981 code, § 1-307)

3-108. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1981 code, § 1-308)

¹See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

3-109. 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, appeal to the next term of the circuit court upon posting a proper appeal bond. (1981 code, § 1-309)

3-110. 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 such amount and subject to such conditions as the charter shall prescribe. 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. (1981 code, § 1-310)

3-111. 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, paid over to the municipality and reported as required by the city charter. (1981 code, § 1-311)

3-112. 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. (1981 code, § 1-312)

3-113. Court costs. Court costs in the sum of seventy dollars (\$70.00) shall be assessed in each case in which there is a plea of guilty or a trial and conviction in city court. Such court costs shall be in addition to any fine assessed upon either a plea of guilty or conviction. The city judge, at his or her discretion, may waive court costs, in whole or in part, in each separate case. (as added by Ord. #97-26, Oct. 1997, amended by Ord. #05-24, Nov. 2005, and replaced by Ord. # 11-09, Sept. 2011)

3-114. Administrative fee. The city court clerk shall charge and collect an administrative fee of twenty-five dollars (\$25.00) for each traffic citation issued for an equipment violation or for a failure to produce proof of insurance violation when the defendant has the equipment violation corrected and verified by a police officer prior to the case being heard in city court, or when the defendant produces proof of insurance to the clerk of the court, prior to city court, verifying that the insurance was valid at the time of the violation. (as added by Ord. #15-15, Oct. 2015)

3-115. Electronic traffic citation fee. The city court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) assessable as court costs for each traffic citation resulting in a conviction, and same shall be paid by a defendant for any offense cited in a traffic citation that results in a plea of guilty, nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes, costs, penalties and charges, and shall be accounted for and used in accordance with Tennessee Code Annotated, § 55-10-207 and state law of general application, as may be amended from time to time.

The city court clerk shall retain one dollar (\$1.00) of the fee to be earmarked for computer hardware purchases and replacements, and the police department shall be given four dollars (\$4.00) of the fee to be placed in a special revenue fund to be spent on an electronic citation system and program expenditures, technology, equipment, repairs, replacement and training.

The provisions of this section shall terminate and expire automatically five (5) years from the date of the adoption of the ordinance, as currently provided by Tennessee Code Annotated, § 55-10-207. (as added by Ord. #15-15, Oct. 2015)