

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

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

3-101. Municipal court established, etc.

3-101. Municipal court established, etc. (1) Municipal court established. Under the authority of T.C.A., § 16-18-201 et seq., there is established a city court for the City of Trenton, Tennessee.

(2) Jurisdiction. (a) Municipal jurisdiction. The city court judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500, or the maximum civil penalty allowed under state law, and costs prescribed by ordinance.

(b) Concurrent jurisdiction. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city, but shall exercise such jurisdiction if and only if he or she is elected in accordance with subsection (3)(b) of this section.

(3) Popular election, term, salary, etc. (a) Popular election. In accordance with Art. VII, § 5 of the Tennessee Constitution, at the August general election of 1998, and each eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years, and the city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period

¹Charter reference: § 8.

between the effective date of this chapter¹ and September 1, 1998 shall be filled as follows:

(i) Upon the effective date of this chapter,¹ the board of mayor and alderman shall have the authority to appoint a city judge to serve until the next regular August election.

(ii) At the next regular August election the qualified voters of the city shall elect a city judge to serve until September 1, 1998.

(b) Qualifications. The municipal judge shall be a resident of the City of Trenton, Tennessee one year, and a resident of the State of Tennessee five years, next before his election, 30 years of age, and licensed to practice law in the State of Tennessee.

(c) Vacancies in office. Vacancies in the office of municipal judge shall be filled by the board of mayor and aldermen for the unexpired portion of the term.

(d) Salary. The salary of the city judge shall be \$7500 per year, and that salary shall not be altered during the judge's term of office. The city judge shall also be entitled to enroll in the City of Trenton's health insurance plan.

(4) Municipal court clerk. (a) Election. At the August general election in 1994, and each and every four years thereafter, the city court clerk shall be elected by the qualified voters of the city for a term of four years, and the city court clerk shall take office on September 1, next following his or her election. However, the office of city court clerk during the interim period between the effective date of this chapter¹ and September 1, 1994, shall be filled by the board of mayor and aldermen as follows:

(b) Qualifications. The municipal court clerk shall be a resident of the City of Trenton, Tennessee, one year next preceding his or her election, and shall continuously reside within the city during his or her term of office.

(c) Oath. The municipal court clerk shall take the oath of office prescribed for clerks of courts of general sessions.

(d) Duties. The city court clerk shall have all the powers and duties prescribed for clerks of courts of general sessions by state law.

(e) Removal. The municipal court clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the municipal court judge may remove the municipal court clerk:

¹These provisions were taken from Ordinance #181 which passed second reading April 26, 1994.

- (i) Upon conviction of a misdemeanor in office or of a felony;
- (ii) Failing to give security required by law or ordinance;
- (iii) For failing to pay over public money collected officially;
- (iv) For incapacity, neglect of duty, or misbehavior in office;
- (v) For any other cause to which the penalty of removal is attached by law. (1983 Code, § 1-501)

CHAPTER 2**CITY JUDGE****SECTION**

3-201. City judge.

3-202. Labor in lieu of payment of fine.

3-201. 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. (1983 Code, § 1-502)

3-202. Labor in lieu of payment of fine. The city judge may, at his discretion, order an offender to labor within any department of the city, thereby earning a credit of \$1.00 per hour until the fine and/or costs are paid. (1983 Code, § 1-514)

CHAPTER 3

COURT ADMINISTRATION

SECTION

3-301. Maintenance of docket.

3-302. Imposition of fines, penalties, and costs.

3-303. Disposition and recording of fines, penalties, and costs.

3-304. Disturbance of proceedings.

3-305. Trial and disposition of cases.

3-301. 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 that may be relevant. (1983 Code, § 1-503)

3-302. Imposition of fines, penalties, and costs. (1) All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court. In all cases heard or determined by the municipal judge, the municipal judge shall assess as costs the sum of eighty-four dollars fifty cents (\$84.50) to which shall be added the state's litigation tax.

(2) Electronic citation regulations and fees.

(a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the allege offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction, said electronic citation fee to be in addition to the court costs set out in subsection (1) above. The clerk shall disburse the electronic citation fee as directed by the statute. (1983 Code, § 1-509, as replaced by Ord. #285, Dec. 2013, Ord. #295, Nov. 2014, and Ord. #327, Nov. 2019 *Ch10_11-10-20*)

3-303. Disposition and recording of fines, penalties, and costs. All funds collected by the police department in the form of fines, penalties, costs, or forfeitures shall be receipted, recorded in the police docket and paid over to the recorder daily. (1983 Code, § 1-512)

3-304. 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. (1983 Code, § 1-513)

3-305. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to a speedy trial and disposition of his case. (1983 Code, § 1-507)

CHAPTER 4

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-401. Issuance of summonses.

3-402. Issuance of subpoenas.

3-401. 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. (1983 Code, § 1-505)

3-402. 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. (1983 Code, § 1-506)

CHAPTER 5

BONDS AND APPEALS

SECTION

3-501. Appearance bonds authorized.

3-502. Appeals.

3-503. Bond amounts, conditions, and forms.

3-501. 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. (1983 Code, § 1-508)

3-502. 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.¹ (1983 Code, § 1-510)

3-503. 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 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 the county. No other type bond shall be acceptable. (1983 Code, § 1-511)

¹State law reference

Tennessee Code Annotated, § 27-5-101.