

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the city's charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1984 Code, § 1-601)

¹Charter references

Appointment: § 30.

Compensation: §§ 30 and 38.

Qualifications: § 30.

Tenure: § 30.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Fines and costs.

3-203. Disturbance of proceedings.

3-204. Trial and disposition of cases.

3-201. 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 and costs imposed and whether collected, whether committed to workhouse, and all other information that may be relevant. (1984 Code, § 1-602)

3-202. Fines and costs.¹ (1) To be imposed and recorded in open court. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. After any fine and cost have been so imposed and recorded, the city judge shall have no power to remit or release same or any part thereof except when necessary to correct an error.

(2) Court costs. In addition to any other costs specifically provided for by any law or laws of the State of Tennessee, and in addition to any litigation taxes or costs as may be provided by the general laws of the State of Tennessee, there shall be adjudged and levied upon every defendant against whom there has been a final conviction for a violation of any ordinance of the City of Waverly or any provision of the Waverly Municipal Code, a sum in the amount of one hundred dollars (\$100.00) as costs and which said sum upon its collection shall be remitted to the treasurer of the City of Waverly for use in the General Fund in the City of Waverly for all municipal and corporate purposes.

(3) Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1984 Code, § 1-609, as amended by Ord. #2003-11, April 2003, and Ord. #2010-11, Aug. 2010)

¹Municipal code reference

Drug enforcement fines and forfeitures: this title, chapter 5.

3-203. 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. (1984 Code, § 1-610)

3-204. Trial and disposition of cases. Every person charged with violating a city 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. (1984 Code, § 1-606)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1984 Code, § 1-603)

3-302. Issuance of summonses.² 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 to personally 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. (1984 Code, § 1-604)

3-303. 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. (1984 Code, § 1-605)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

²Municipal code references

Issuance of citations in lieu of arrest by public officer in traffic cases: title 15, chapter 7.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond forms, conditions and amounts.

3-401. 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 (1984 Code, § 1-607)

3-402. Bond forms, conditions and amounts. (1) Appearance bonds. 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 proctive custody. 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.

(2) Appeal bond. 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 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. (1984 Code, § 1-608)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 5

SPECIAL DRUG FUND

SECTION

- 3-501. Receipt and deposit of funds.
- 3-502. Appropriation of such funds.
- 3-503. Auditing of special fund.
- 3-504. Disbursement of funds.
- 3-505. Accounting for expenditures.
- 3-506. Acquisition of property - title.
- 3-507. Form of request voucher and accounting.

3-501. Receipt and deposit of funds. Pursuant to Tennessee Code Annotated, §§ 39-17-420 and 53-11-415 the city recorder of the City of Waverly, Tennessee is hereby authorized and directed to receive from the clerk of the court of Humphreys County, Tennessee having jurisdiction thereof such amounts of money as shall be forwarded by such clerk by way of fines, forfeitures of appearance bonds, or proceeds from the sale of goods seized and forfeited under the provisions of the Tennessee Drug Control Act of Tennessee, being Tennessee Code Annotated, § 39-17-401 et seq.¹ and to receive the same on behalf of the City of Waverly, Tennessee for use and disposition as provided in said law in the local drug enforcement program of the City of Waverly, Tennessee, and the city recorder shall maintain a separate fund and bank account for said funds in an authorized depository of the City of Waverly, Tennessee, depositing said funds to the credit and in the name of the City of Waverly but designating the same as "Special Drug Fund." (1984 Code, § 1-1201)

3-502. Appropriation of such funds. All of such funds as received by the city recorder and deposited as provided by this chapter are hereby appropriated exclusively to be used in the local drug enforcement program of the police department of the City of Waverly, Tennessee or in connection with any program operated by it through any cooperating agencies and all such proceeds as received from time to time shall be paid out for such purposes solely as hereinafter provided in this chapter. (1984 Code, § 1-1202)

¹Tennessee Code Annotated, § 53-11-451 covers goods subject to seizure and forfeiture while Tennessee Code Annotated, §§ 39-17-420 and 53-11-415 establish the procedure by which the funds from the sale of seized and forfeited goods shall be distributed and handled by the recipients, including municipalities.

3-503. Auditing of special fund. This fund as created hereby shall be audited as a special fund and account of the City of Waverly in its annual audit each year as is the case of funds in the general and special funds of the City of Waverly. (1984 Code, § 1-1203)

3-504. Disbursement of funds. The city recorder shall be authorized to pay out sums from such fund not to exceed any current balance thereof by check drawn thereon, countersigned by the city manager, to the chief of police or to such person or persons named at his direction upon the chief of police presenting to the city recorder a voucher therefor bearing a current date and being signed by the chief of police and setting forth the proposed use of such funds with such specific detail as to enable the recorder to make a determination that the same shall be lawfully used for the purpose intended. Such voucher before being honored by the city recorder shall bear the approval by the city manager. The city recorder shall not disburse any of the funds from such special fund until such time as the voucher herein provided for shall have been filed with the recorder and bearing the approval of the city manager. Such voucher shall be filed as a permanent record of the city to justify the expenditure. The voucher shall be in the form as hereinafter provided by this chapter. (1984 Code, § 1-1204, as amended by Ord. #2003-42, Dec. 2003)

3-505. Accounting for expenditures. Within thirty (30) days after any sum shall have been disbursed by the city recorder to the chief of police pursuant to this chapter the chief of police shall file with and furnish to the city recorder an accounting of the expenditure of such funds as theretofore obtained setting forth with detail the use thereof, the sum so expended, and the payee or recipients thereof unless it shall be certified by the city attorney that the disclosure of such information would compromise the drug enforcement program of the city. A failure to furnish an accounting of the expenditure made, or such a certification in lieu thereof, shall be considered a malfeasance of office for which the chief of police shall be subject to suspension and/or discharge from employment with the city. (1984 Code, § 1-1205)

3-506. Acquisition of property - title. Any tangible personal property, other than drugs or drug paraphernalia which may be required for use in the prosecution of an alleged offense, that is acquired by the use of the funds as herein provided shall be and become the property of the City of Waverly, Tennessee and may not be thereafter disposed of by sale or otherwise except upon lawful order therefor by the board of mayor and aldermen of the City of Waverly, Tennessee. (1984 Code, § 1-1206)

3-507. Form of request voucher and accounting. The voucher required for the drawing of any funds by the chief of police from the special fund as provided herein and which shall be required before the city recorder shall be

authorized to disburse any such funds as hereinbefore provided in this chapter, shall be in the following form:

SPECIAL DRUG FUND REQUEST VOUCHER

No. _____

CITY OF WAVERLY, TENNESSEE

To the city recorder of the City of Waverly, Tennessee:

In accordance with Tennessee Code Annotated § 53-11-415, and The Waverly Municipal Code, 1984, § 3-501 et seq., I hereby request that there be disbursed by you from the "City of Waverly--Special Drug Fund" for use in the City of Waverly drug enforcement program, the following:

<u>REQUESTED PAYEE</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
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I will file with you within thirty (30) days from the date hereof an accounting of the use and expenditure of such funds.

Date _____.

Chief of Police

Approved:

City Manager

(2) The accounting form that the chief of police shall file with the city recorder within the thirty (30) day period shall be in the following form:

DRUG FUND REQUEST ACCOUNTING

Voucher No. _____

CITY OF WAVERLY, TENNESSEE

To the city recorder of the City of Waverly, Tennessee:

In accordance with Tennessee Code Annotated § 53-11-415, and The Waverly Municipal Code, 1984, § 3-501 et seq., I hereby certify and account for the funds heretofore obtained by the above numbered voucher, as follows:

<u>DATE</u>	<u>PAYEE OR RECIPIENT</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
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Attached are documents necessary to substantiate such payments.

Date _____.

Chief of Police

(1984 Code, § 1-1207, as amended by Ord. #2003-42, Dec. 2003)