

## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### CITY JUDGE

#### SECTION

- 3-101. City judge.
- 3-102. Jurisdiction.

**3-101. City judge.** (1) The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge.

(a) Qualifications. The municipal judge for the City of Lakeland shall be at least thirty (30) years of age, licensed in the State of Tennessee to practice law and shall be a resident of the City of Lakeland.

(b) Appointment. The municipal judge shall be appointed by and serve at the will and pleasure of the board of commissioners.

(c) Vacancies in office. Vacancies in the office of the municipal judge shall be filled by the board of commissioners.

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<sup>1</sup>Charter references

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

(d) Compensation. The compensation of the municipal judge shall be \$250.00 per court session.

(e) Judge pro tem. During the absence or disability of the municipal judge, the board of commissioners may appoint a municipal judge pro tem to serve until the municipal judge returns to his/her duties. The judge pro tem shall have all the qualifications required of the municipal judge under this section and shall have the authorities and powers of the municipal judge. (as added by Ord. #02-12, Nov. 2002, and amended by Ord. #03-32, April 2003)

**3-102. Jurisdiction.** Consistent with the Town of South Carthage v. Barrett, 840 S.W. 2d 895 (Tennessee 1992), the municipal judge is an appointed judge and shall have jurisdiction only over violations of municipal ordinances. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #03-32, April 2003)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

3-203. Disposition and report of penalties and costs.

3-204. Disturbance of proceedings.

3-205. Litigation tax.

**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; penalties and costs imposed and whether collected; and all other information which may be relevant. (as added by Ord. #02-12, Nov. 2002)

**3-202. Imposition of penalties and costs.** All penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (as added by Ord. #02-12, Nov. 2002)

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the city judge in the form of penalties, 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 commissioners a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year. (as added by Ord. #02-12, Nov. 2002)

**3-204. 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. (as added by Ord. #02-12, Nov. 2002)

**3-205. Litigation tax.** (1) On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of \$13.75.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

(2) The privilege taxes levied pursuant to this section shall be paid to the city recorder monthly to be used to assist in paying for the operation of city court and for police department. (as added by Ord. #03-37, June 2003)

## 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.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (as added by Ord. #02-12, Nov. 2002)

**3-302. 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 municipal code or 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. (as added by Ord. #02-12, Nov. 2002)

**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. (as added by Ord. #02-12, Nov. 2002)

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<sup>1</sup>State law reference

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

## 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.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (as added by Ord. #02-12, Nov. 2002)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>1</sup> next after such

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (as added by Ord. #02-12, Nov. 2002)

**3-403. Bond amounts, conditions, and forms.** (1) Appearance bond. 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 such sum as the city judge shall prescribe, not to exceed 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.

(3) Form of bond. 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 within the county.

(4) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency. (as added by Ord. #02-12, Nov. 2002)