

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE¹

SECTION

- 3-101. City judge.
- 3-102. Jurisdiction.
- 3-103. Qualifications.
- 3-104. Election and term.
- 3-105. Vacancies.
- 3-106. Salary.

3-101. City judge. The officer designated by the city council to handle judicial matters within the City of Dickson shall preside over the city court and shall be known as the city judge. (1980 Code, § 1-601, modified)

3-102. Jurisdiction. (1) Municipal jurisdiction. The city 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 the maximum civil penalty allowed under state law, and costs prescribed by ordinance.

(2) 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. (1980 Code, § 1-602)

3-103. Qualifications. The city judge shall be a resident of the City of Dickson one year and a resident of Tennessee five years immediately preceding

¹Charter references

Appointment and term: § 2.02.

Duties: § 3.04.

his or her election, at least 30 years old, and licensed to practice law in Tennessee. (1980 Code, § 1-603)

3-104. Election and term. In accordance with Art. VII, § 5 of the Tennessee Constitution, at the August general election of 1998, and every eight years thereafter on the same date, 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 on September 1 next following his or her election. However, the office of city judge during the interim period between the passage of this chapter and September 1, 1998, shall be filled as follows:

(1) The city council shall appoint a city judge to serve until the next regular city election falling at least 180 days after his or her appointment, or until September 1, 1998, if the next regular city election falls within 180 days of September 1, 1998.

(2) At the next regular city election prescribed above, the qualified voters of the city shall elect a city judge to serve until September 1, 1998. (1980 Code, § 1-604)

3-105. Vacancies. Vacancies in the office of city judge shall be filled by the city council for the unexpired portion of the term. (1980 Code, § 1-605)

3-106. Salary. The salary of the city judge shall be \$1,000.00 a month and that salary shall not be altered during his or her term of office, and shall not otherwise be altered at any time except by charter amendment or by general law. (1980 Code, § 1-606)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. City court established.

3-202. Maintenance of docket.

3-203. Imposition of fines and costs.

3-204. Disposition and report of fines and costs.

3-205. Disturbance of proceedings.

3-206. Trial and disposition of cases.

3-201. City court established. A city court for the City of Dickson is established. (1980 Code, § 1-601, modified)

3-202. 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. (1980 Code, § 1-607)

3-203. 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 all cases where the defendant is charged with the violation of a city ordinance or a violation of state law and is found guilty, whether by trial or plea of guilty, such defendant shall pay court costs in the amount of ninety-nine dollars and fifty cents (\$99.50). Such costs do not include the city litigation tax or any other additional taxes imposed pursuant to state law. (1980 Code, § 1-613, as replaced by Ord. #1200, June 2006)

3-204. Disposition and report of fines, penalties, 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 city council 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. (1980 Code, § 1-616)

3-205. 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. (1980 Code, § 1-617)

3-206. 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. (1980 Code, § 1-611)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.

3-304. 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 municipal ordinances. (1980 Code, § 1-608)

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 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. (1980 Code, § 1-609)

3-303. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses. The city council (governing body) hereby designates the health officer as having the authority to issue ordinance summons in the area of sanitation and the health officer as having the authority to issue ordinance summons in the area of litter control and the health officer as having authority to issue ordinance summons in the area of animal control as provided in Tennessee Code Annotated, §§ 7-63-201 through 7-63-204.

Such enforcement officers who witness a violation of any ordinance, law or regulation in those areas in which they have been given the authority to issue ordinance summonses may issue an ordinance summons and give the summons to the offender.

¹Charter reference: § 3.04(b).

State law reference

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

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person cited notice of the charge against him and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may have a summons issued by the clerk of the city court or may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided for in citations in lieu of arrest in non-traffic cases.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1980 Code, § 8-113)

3-304. 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. (1980 Code, § 1-610)

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. 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. (1980 Code, § 1-612)

3-402. 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 (1980 Code, § 1-614)

3-403. 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 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. (1980 Code, § 1-615)

¹State law reference
Tennessee Code Annotated, § 27-5-101.