

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

3-101. City judge.

**3-101. City judge.** 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. (1983 Code, § 1-501)

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<sup>1</sup>Charter reference: art. VII.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-206. Pretrial or judicial diversion.

**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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1983 Code, § 1-502)

**3-202. 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.

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. (1983 Code, § 1-508)

**3-203. 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 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, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1983 Code, § 1-511)

**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. (1983 Code, § 1-512)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

**3-205. 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, 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. (1983 Code, § 1-506)

**3-206. Pretrial or judicial diversion.** (1) In any case properly before the city court where the defendant is charged with violation of any ordinance or other offense for which the city court has jurisdiction and where the defendant does not have a prior conviction of violation of city ordinance or other offense over which the city court has jurisdiction within the three year period next proceeding the date of the alleged offense, the parties may by a Memorandum of Understanding agree that the prosecution will be suspended for a specified period, not to exceed two years from the filing of the Memorandum of Understanding, on the condition that the defendant comply with all terms of said Memorandum of Understanding.

(2) Pretrial diversion. The Memorandum of Understanding may be entered into between the defendant and the officer issuing the citation and presented to the city judge prior to the entering of a plea by the defendant. The city judge may accept the Memorandum of Understanding or, if in his discretion he believes the case is improper for pretrial diversion, reject the Memorandum of Understanding and proceed with a trial on the merits.

(3) Judicial diversion. The Memorandum of Understanding may be entered into by the defendant and the city judge at any time prior to sentencing if, in the sole discretion of the city judge, the city judge believes the case is proper for diversion.

(4) Memorandum of understanding. Prosecution of the defendant shall not be suspended unless the parties, in the Memorandum of Understanding, agree that the defendant observe the following conditions during the period in which the prosecution is suspended:

(a) The defendant will, during the term of the diversion, abide by all the city ordinances of the City of Dyer and the laws of the State of Tennessee and particularly to those laws and ordinances that pertain to the operation of motor vehicles and the control of vehicular traffic.

(b) The defendant shall report all arrests, including violations, regardless of disposition, to the Police Department of the City of Dyer, Tennessee.

(c) The defendant shall pay the court costs of the case plus a five dollar (\$5.00) administration fee.

(d) The defendant shall conduct himself/herself in a manner consistent with good citizenship.

(e) The defendant shall make restitution to the victim, if applicable, in this cause in full within 30 days of the date of the entry of the Memorandum of Understanding, and if said restitution is not so made, it shall be a violation of the Memorandum of Understanding and cause said case to be prosecuted immediately. (Ord. #94-51, July 1994)

## 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 recorder or assistant city recorder shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #94-52, Oct. 1994)

**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. (1983 Code, § 1-504)

**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. (1983 Code, § 1-505)

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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.** 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, § 1-507)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1983 Code, § 1-509)

**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 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, § 1-510)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

**CHAPTER 5**

**COURT COST**

**SECTION**

3-501. Court cost.

**3-501. Court cost.** The court costs to be used by the city judge in assessing the bill of costs in the city court shall be sixty-two dollars (\$62.00). Such court costs shall be in addition to any special court costs that may be assessed under the provisions of the municipal charter. (as added by Ord. #2005-146, Oct. 2005)