

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE¹

SECTION

3-101. City judge.

3-101. City judge. The judge, as provided in the charter, shall preside over the city court. (1995 Code, § 3-101)

¹Charter references: §§ 11 and 12.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition and remission of fines and costs.

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

3-204. Trial and disposition of cases.

3-205. Electronic citation regulations and fees.

3-201. Maintenance of docket. A complete docket of all matters coming before the municipal court shall be kept which shall include for each defendant such information as his or her name; summons numbers; alleged offense; disposition; fines and costs imposed; and all other information that may be relevant. (1995 Code, § 3-201, modified)

3-202. Imposition and remission of fines and costs. All fines and costs shall be imposed and recorded by the court clerk on the city court docket in open court. After any fines and costs have been so imposed and recorded, the judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

Costs of each case shall be seventy dollars (\$70.00) and special police fund, ten dollars (\$10.00). (1995 Code, § 3-202, modified)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the court in the form of fines, costs, and forfeitures shall be recorded and paid over daily to the municipality. (1995 Code, § 3-203, modified)

3-204. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to a speedy trial and disposition of his or her case, provided the city court is in session. 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. (1995 Code, § 3-205, modified)

3-205. Electronic citation regulations and fees. (1) 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 alleged offense.

(2) 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. (Ord. #2015-02, April 2015)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

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

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the judge, he may issue a summons, ordering the alleged offender to personally appear before the judge 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 judge as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte and the judgment of the judge shall be valid and binding subject to the defendant's right of appeal. (1995 Code, § 3-302, modified)

3-302. Issuance of subpoenas. The 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. (1995 Code, § 3-303)

3-303. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses. The Mayor and Aldermen of the City of Fayetteville, hereby designate the director of public works as having the authority to issue ordinance summons in the area of sanitation and the building official as having the authority to issue ordinance summons in the area of litter control, construction and zoning codes members of the fire department in the area of fire codes and fire prevention, and the animal control officer as having authority to issue ordinance summons in the area of animal control as provided in *Tennessee Code Annotated*, §§ 7-63-201 to 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.

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. (1995 Code, § 3-304)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the judge 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 (1995 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred 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 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. (1995 Code, § 3-403, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 5**LITIGATION TAX****SECTION**

3-501. Litigation tax.

3-501. Litigation tax. Effective on the first day of the month following the passage and publication of this section, a city litigation tax shall become effective as follows:

(1) On cases in city court, there is hereby levied a city litigation tax to match the state litigation tax of thirteen dollars seventy-five cents (\$13.75).

(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 the police department. (1995 Code, § 3-501)