

## TITLE 3

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

#### CHAPTER

1. MUNICIPAL COURT.
2. MUNICIPAL JUDGE.
3. MUNICIPAL COURT CLERK.
4. COURT ADMINISTRATION.
5. WARRANTS, SUMMONSES AND SUBPOENAS.
6. BONDS AND APPEALS.

#### CHAPTER 1

### MUNICIPAL COURT

#### SECTION

- 3-101. Establishment of court.
- 3-102. Divisions.
- 3-103. Severability.
- 3-104. Probation fee.

**3-101. Establishment of court.** There is hereby established a municipal court. (Ord. #55-6, Jan. 1956, as amended by Ord. #00-01, Feb. 2000, and Ord. #08-01, Feb. 2008)

**3-102. Divisions.** The judicial department of the city, which is presently presided over by two (2) persons serving in the capacity of municipal judge, shall henceforth be divided into divisions to be designated as Division I and Division II. If the board of mayor and aldermen should increase by future ordinance the number of persons who shall serve as municipal judge, additional divisions shall be automatically created upon such person or persons taking office. (Ord. #55-6, Jan. 1956, as amended by Ord. #00-01, Feb. 2000, and Ord. #08-01, Feb. 2008)

**3-103. Severability.** If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect

---

<sup>1</sup>Charter references  
City attorney: article VII.  
Judicial: article VIII.

without the invalid provision or application, and to that end the provisions of this chapter are declared to be severable. (Ord. #08-01, Feb. 2008)

## CHAPTER 2

### MUNICIPAL JUDGE

#### SECTION

- 3-201. Municipal judge.
- 3-202. Qualifications.
- 3-203. Election/term of office.
- 3-204. Vacancies in office.
- 3-205. Special judges.
- 3-206. Compensation.
- 3-207. Jurisdiction and powers.
- 3-208. Bail.
- 3-209. Separation of powers.

**3-201. Municipal judge.** There is hereby created the offices of City of Bartlett Municipal Judges, that said municipal judges shall be vested with all the powers and duties granted under law in the State of Tennessee. (as added by Ord. #08-01, Feb. 2008)

**3-202. Qualifications.** All candidates for the position of Judge of the Bartlett Municipal Court shall be thirty (30) years of age or older, a resident of the State of Tennessee for not less than five (5) years immediately prior to the election, a resident of the city for at least one (1) year immediately prior to the election, and shall be licensed to practice law in the State of Tennessee. (as added by Ord. #08-01, Feb. 2008)

**3-203. Election/term of office.** Judges of the Bartlett Municipal Court shall be elected by a popular vote of the registered voters of the City of Bartlett for a term of eight (8) years. Said election shall be at large and the candidate receiving the largest number of votes shall be declared elected. The first election for Division I judge was held in 1994 and the first election for Division II judge was held in 2000. All subsequent elections for municipal judge pursuant to this chapter and general law shall be held in accordance with Article 7, § 5 of the Tennessee Constitution. In any election for the position of municipal judge, all persons shall be required to designate which division of the municipal court to which they seek election, and no person shall be permitted to seek election to more than one (1) division in any election. (as added by Ord. #08-01, Feb. 2008)

**3-204. Vacancies in office.** In the absence of a judge of the Bartlett Municipal Court due to resignation, death or disability, the board of mayor and aldermen may appoint a qualified person to serve until the next regular November general election. At this election, a person shall be elected to serve any unexpired term if the full term is not to be filled at the election. In the

temporary absence or inability of the municipal judge, the board of mayor and aldermen shall appoint a qualified person to serve until the judge's return.

No elected judge of the City of Bartlett may hold office while under indictment. Vacancies in such case shall be filled as provided in this section. (as added by Ord. #08-01, Feb. 2008)

**3-205. Special judges.** (1) General sessions docket. In the event that a municipal judge shall be unable to sit for good cause, including but not limited to, by reason of health, schedule, vacation or other reasons, a special judge shall be chosen to temporarily serve in his or her absence or temporary unavailability as provided by Tennessee Code Annotated, § 16-15-209.

(2) Municipal docket. In the event that a municipal judge shall be unable to sit for good cause, including but not limited to, by reason of health, schedule, vacation or other reasons, a special judge, who is qualified under subsection (1) of this section, or a special judge, who is appointed pursuant to subsections (2)(a) through (c) of this section, shall temporarily serve in such judge's absence or temporary unavailability:

(a) A municipal judge or, if no municipal judge is able, the clerk of court shall appoint a special judge to hold court, preside and adjudicate in the absence of a municipal judge;

(b) A special judge must possess all of the qualifications of a municipal judge of the Bartlett Municipal Court; and

(c) A list of five (5) eligible special judges shall be created by each municipal judge for his or her division. Such list shall designate potential special judges in order of priority and shall be maintained by the clerk of the court. When necessary, a special judge for a division shall be chosen from such list based upon the order of priority in which they are listed. (as added by Ord. #08-01, Feb. 2008)

**3-206. Compensation.** Compensation for the judges of the Bartlett Municipal Court shall be fixed by the board of mayor and aldermen and shall not be altered during the term of office. Any adjustment to compensation for the office of municipal judge must be made not less than thirty (30) days prior to the deadline for qualification of candidates for the next election. (as added by Ord. #08-01, Feb. 2008)

**3-207. Jurisdiction and powers.** The jurisdiction of the municipal judges shall extend to the trial of all offenses against the ordinances of the city and concurrently with the general sessions court for violation of the criminal laws of the state within the corporate limits of the city. Costs in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under the general law of the state. The municipal judges shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the

power to punish for contempt by fine or confinement not exceeding the limits provided by general law.<sup>1</sup> (as added by Ord. #08-01, Feb. 2008)

**3-208. Bail.** The bail of persons arrested and awaiting trials and persons appealing the decision of a municipal judge shall be fixed by the municipal judge and upon such security as in the judge's discretion he or she deems necessary or as otherwise may be provided by ordinances or general law. (as added by Ord. #08-01, Feb. 2008)

**3-209. Separation of powers.** The municipal judge shall be the exclusive judge of the law and facts in every case before him or her, and no official or employee of the city shall attempt to influence his or her decision except through pertinent facts presented in court. (as added by Ord. #08-01, Feb. 2008)

---

<sup>1</sup>Charter reference

Article VI, Judicial, § 3, Jurisdiction, Powers, and Process.

**CHAPTER 3****MUNICIPAL COURT CLERK****SECTION**

3-301. Appointment of clerk.

3-302. Oath.

3-303. Duties.

3-304. Term of office.

**3-301. Appointment of clerk.** The municipal court clerk shall be appointed by the mayor, subject to confirmation by majority vote of the board of mayor and aldermen. (as added by Ord. #08-01, Feb. 2008)

**3-302. Oath.** The municipal court clerk shall take the oath of office prescribed for clerks of court by state law.<sup>1</sup> (as added by Ord. #08-01, Feb. 2008)

**3-303. Duties.** The municipal court clerk shall be the custodian of the books, dockets and records of the municipal court and shall perform such duties as may be delegated to him or her by the mayor or the municipal judges, including but not limited to the maintenance of books and records pertaining to the issuance of warrants of arrests, the disposition of cases coming before the court, the collection of fines and costs, preparation of orders, preparation of reports, and such duties as are set forth in Tennessee Code Annotated, § 16-18-310. (as added by Ord. #08-01, Feb. 2008)

**3-304. Term of office.** The municipal court clerk shall serve at the will and pleasure of the mayor. (as added by Ord. #08-01, Feb. 2008)

---

<sup>1</sup>State law reference  
Tennessee Code Annotated, § 18-1-103.

## CHAPTER 4

### COURT ADMINISTRATION

#### SECTION

3-401. Maintenance of docket.

3-402. Court costs; imposition of fines, penalties and costs.

3-403. Litigation tax.

3-404. Disposition and reports of fines, penalties and costs.

3-405. Disturbance of proceedings.

3-406. Failure to appear.

**3-401. Maintenance of docket.** The municipal judge shall keep, or cause to be kept, a complete docket of all matters coming before the court. The docket shall include for each defendant such information as name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; and all other information that may be relevant. (as added by Ord. #08-01, Feb. 2008)

**3-402. Court costs; imposition of fines, penalties and costs.** The City of Bartlett court costs for violations of city ordinances will be such amount as is set each year by the board of mayor and aldermen in the annual budget ordinance and the maximum permissible fee under state law for state statutory violations, together with the appropriate state litigation tax and the appropriate city litigation tax. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks. All fines, penalties and costs shall be imposed and recorded by the municipal judge or the municipal court clerk on the municipal court docket. In all cases where a defendant pleads guilty or is tried and found guilty by the court, the municipal judge shall tax the bill of costs the amount set in the annual budget ordinance, the amount determined by the board of mayor and aldermen to be reasonably necessary for operating costs of the municipal court. Said court costs may be waived at the discretion of the municipal judge. (as added by Ord. #08-01, Feb. 2008, as replaced by Ord. #20-06, Nov. 2020 *Ch7\_12-08-20*)

**3-403. Litigation tax.** On cases in municipal court there is hereby levied a municipal litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents (\$13.75). Such taxes shall only be assessed when a judgment is entered against the defendant. The taxes levied hereby are to be used for any valid municipal purposes. (as added by Ord. #06-14, July 2006)

**3-404. Disposition and reports of fines, penalties and costs.** All funds coming into the hands of the municipal court in the form of fines, penalties, costs and forfeitures shall be recorded by the municipal court clerk and paid over to the municipality. At the end of each month, the municipal court clerk shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties and costs imposed by the municipal court during the current month and to date for the current fiscal year. (as added by Ord. #08-01, Feb. 2008)

**3-405. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises; by using indecorous, profane or blasphemous language; or by any distracting conduct whatsoever. (as added by Ord. #08-01, Feb. 2008)

**3-406. Failure to appear.** Any person who fails to appear in municipal court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a civil offense punishable under the general penalty provision of this code. (as added by Ord. #08-01, Feb. 2008)



## CHAPTER 5

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-501. Issuance of arrest warrants.

3-502. Issuance of summonses.

3-503. Issuance of subpoenas.

**3-501. Issuance of arrest warrants.** Municipal judges shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances or violating the criminal laws of the state within the corporate limits of the city. (as added by Ord. #08-01, Feb. 2008)

**3-502. Issuance of summonses.** When a complaint of an alleged ordinance or state criminal law violation is made, a municipal judge may, in his or her discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the municipal court at a time specified therein to answer the charges against him or her. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinances or criminal laws alleged to have been violated. Upon failure of any person to appear before the municipal court as commanded in a summons lawfully served on him or her, the cause may be proceeded with ex-parte, and the judgment of the courts shall be valid and binding subject to the defendant's right to appeal. (as added by Ord. #08-01, Feb. 2008)

**3-503. Issuance of subpoenas.** A municipal judge may subpoena as witnesses all persons whose testimony he or she believes will be relevant and material to matters coming before his or her court, and it shall be unlawful for any person lawfully served with such subpoena to fail or neglect to comply therewith. (as added by Ord. #08-01, Feb. 2008)

## CHAPTER 6

### BONDS AND APPEALS

#### SECTION

- 3-601. Appearance bonds authorized.
- 3-602. Appeals.
- 3-603. Bond amounts, conditions, and forms.

**3-601. Appearance bonds authorized.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him or her 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 or 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 an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his or her 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 municipal court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his or her 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 municipal 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 or her chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him or her, the clerk or judge of the municipal 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. (Ord. #08-01, Feb. 2008)

**3-602. Appeals.** Any defendant who is dissatisfied with any judgment of the municipal court against him or her may, within ten (10) days after such judgment is rendered, appeal to the circuit court, upon posting a proper appeal bond. (Ord. #08-01, Feb. 2008)

**3-603. Bond amounts, conditions, and forms.** (1) Appearance bond.

An appearance bond in any case before the municipal court shall be in such amount as a municipal judge shall prescribe and shall be conditioned that the defendant shall appear for proceedings before the municipal court at the stated time and place.

(2) Appeal bond. An appeal bond in any case shall be in such sum as a municipal judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned such 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 or her 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 a corporate surety company authorized to do business in Tennessee. No other type bond shall be acceptable.

(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; and

(b) Files an accompanying affidavit of indigency. (as added by Ord. #08-01, Feb. 2008)