

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. Office of city judge established.
- 3-102. Judge to have powers and functions provided by charter.
- 3-103. Qualifications.
- 3-104. Appointment and term of office.
- 3-105. Vacancies.
- 3-106. Oath of office and bond.
- 3-107. Salary
- 3-108. Absence or disability.

3-101. Office of city judge established. Pursuant to authority granted in the Charter of the City of Bradford, there is hereby created and established for the City of Bradford, Tennessee, the office of city judge. (2005 Code, § 3-101)

3-102. Judge to have powers and functions provided by charter. The judge shall be vested with the powers and functions granted in state law and shall be subject to the provisions of state law and the city's charter. (2005 Code, § 3-102)

3-103. Qualifications. The city judge shall be selected by his experience and/or educational qualifications for this position, and be licensed to practice law in Tennessee. (2005 Code, § 3-103, modified)

3-104. Appointment and term of office. The city judge shall be appointed by the board of mayor and aldermen for two (2) years and shall serve

¹Charter reference

City attorney: art. X, § 1.

at the pleasure of the board, and any incumbent judge shall serve until his successor is appointed and qualified. (2005 Code, § 3-104, modified)

3-105. Vacancies. Any vacancies occurring in the office of city judge shall be filled by the board of mayor and aldermen for the unexpired term. (2005 Code, § 3-105)

3-106. Oath of office and bond. The city judge shall, before entering upon his duties as such, take an oath before a justice of the peace to support the constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. He shall post a bond in the amount and in the manner prescribed by the board of mayor and aldermen. The cost of said bond shall be paid by the City of Bradford. (2005 Code, § 3-106)

3-107. Salary. The salary of the city judge shall be set prior to appointment and shall not be modified during that term. (2005 Code, § 3-107, modified)

3-108. Absence or disability. The board of mayor and aldermen shall designate a qualified person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as city judge.¹ (2005 Code, § 3-108)

¹Charter reference

Absence or disability of city judge: art. X, § 2.

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. Contempt of court.
- 3-205. Trial and disposition of cases.
- 3-206. City court costs.
- 3-207. Failure to appear.

3-201. Maintenance of docket. The court clerk shall keep a complete docket of all matters coming before the city court.¹ (2005 Code, § 3-201, modified)

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

In all cases heard and determined by him, the city/town judge shall impose court costs in the amount of one hundred dollars (\$100.00). 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.

In addition, pursuant to authority granted in *Tennessee Code Annotated*, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases on which state litigation tax is levied.

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the court clerk in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the board of mayor and aldermen 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. (2005 Code, § 3-203, modified)

¹Charter reference

Maintenance of docket and other court rules: art. X, § 6.

3-204. Contempt of court. Contempt of court shall be punishable by a fine in the amount of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.¹ (2005 Code, § 3-204)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to a timely 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. (2005 Code, § 3-205)

3-206. City court costs. The court cost to be used by the city judge in assessing the bill of costs in cases in the city court shall be one hundred dollars (\$100.00). This does not include the state litigation tax. Such court cost shall be in addition to any special court costs that may be assessed under the provisions of the municipal charter. (Ord. #01092017A, Feb. 2017)

3-207. Failure to appear. (1) Any person who intentionally, knowingly, or willingly fails to appear in the municipal court on the date and time specified on a citation or other process issued from the municipal court is guilty of a separate municipal offense, and upon being found guilty shall be punished by a fine of not more than fifty dollars (\$50.00). Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful.

(2) A notice and citation will be issued when the defendant fails to appear. The defendant is entitled to a hearing on the failure to appear charge before the fifty dollar (\$50.00) fine is assessed. Court costs of one hundred dollars (\$100.00) and litigation tax of thirteen dollars and seventy-five cents (\$13.75) may be attached to the fine.

(3) This section shall take effect immediately upon its passage the public welfare requiring it. (Ord. #01092017B, Feb. 2017)

¹State law reference

Tennessee Code Annotated, § 16-18-306.

CHAPTER 3

WARRANTS, SUMMONSES, AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, 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 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. (2005 Code, § 3-302, modified)

3-302. 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. (2005 Code, § 3-303)

CHAPTER 4**BONDS AND APPEALS****SECTION**

3-401. Appeals.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (2005 Code, § 3-402)

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