

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, CITATIONS, SUBPOENAS, ETC.
4. COURT COSTS.

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge. (1) Appointment and term. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the city council for a term of 2 years, commencing in September 1996 and shall be subject to reappointment every two years thereafter.

(2) Qualifications. The city judge shall be a minimum of (30) years of age, be licensed by the State of Tennessee to practice law, be a resident of the State of Tennessee for five (5) years, and be a resident of the City of Cleveland for one (1) year.

3-102. 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 \$500. (1981 Code, § 2-187, modified)

¹Charter reference
City court: art. XI.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Offenders to be tried speedily.

3-202. Docket to be kept.

3-203. Entries on docket.

3-204. Prosecutor may be taxed with costs.

3-201. Offenders to be tried speedily. The city judge shall speedily try all offenders arraigned before him, and shall use his discretion in granting continuances. (1981 Code, § 2-189)

3-202. Docket to be kept. The city judge shall keep a docket in which he shall enter and preserve the names of every person brought before him charged with any offense; such docket shall also indicate the alleged offense. (1981 Code, § 2-190)

3-203. Entries on docket. The city judge shall enter on the docket required by § 3-202 his judgement in the case, to include, in case of conviction, the amount of the fine and costs assessed and/or length of community service.¹ (1981 Code, § 2-191, modified)

3-204. Prosecutor may be taxed with costs. In case of violation of city laws, when the person swearing out the warrant withdraws the same, or where the judge is of the opinion that the prosecution is malicious or frivolous, the judge, in his discretion, may tax the prosecutor with the costs. (1981 Code, § 2-194)

¹Charter reference

City court: art. XI, § 1.

CHAPTER 3

WARRANTS, CITATIONS, SUBPOENAS, ETC.

SECTION

- 3-301. Issuance of warrants.
- 3-302. Citations in lieu of arrest in non-traffic cases.
- 3-303. Summonses in lieu of arrest.
- 3-304. Issuance of subpoenas.
- 3-305. Issuance of executions, etc.
- 3-306. Witnesses may be attached if necessary.

3-301. Issuance of warrants.¹ The city judge shall have the power to issue warrants for persons charged with violating municipal ordinances. (1981 Code, § 2-193, modified)

3-302. Citations in lieu of arrest in non-traffic cases.² Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the city council appoints the fire inspectors in the fire department, animal control officer in the animal control department, and the code enforcement officers in the inspection department special police officers having the authority to issue citations in lieu of arrest. Code enforcement officers shall include the environmentalist, plumbing inspector, electrical inspector, and building inspector. The fire inspectors in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The animal control officer in the animal control department shall have the authority to issue citations in lieu of arrest for violations of the animal control laws adopted in title 10 of their municipal code of ordinances. The code enforcement officer in the inspection department shall have the authority to issue citations in lieu of arrest for violations of the building, utility, housing, and environmental codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The

¹State law reference

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

²Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

citation 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 special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

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. (1981 Code, § 2-202, modified)

3-303. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the city council to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the city council designates the animal control officers in the animal control department and the code enforcement officers in the inspection department to issue ordinance summonses. The animal control officers shall have the authority to issue ordinance summonses in the area of animal control. The code enforcement officers shall have the authority to issue ordinance summonses in the areas of building, plumbing, electrical or environmental codes, and in the areas of sanitation and litter control. The code enforcement officers shall also have the authority to issue ordinance summonses for violations of any of the property maintenance regulations contained within Title 13 of the Cleveland Municipal Code. These enforcement officers may not arrest violators, but upon witnessing violations of any ordinance, law or regulation in any of these areas, may issue an ordinance summons and give the summons to the offender. (1981 Code, § 2-202, modified, as amended by Ord. #2006-24, July 2006)

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. (1981 Code, § 2-195, modified)

3-305. Issuance of executions, etc. The judge may issue executions, mittimus, and all other processes necessary to carry into effect any and all judgments by him rendered. (1981 Code, § 2-199)

3-306. Witnesses may be attached if necessary. Any witness may be forced to attend the city court by attachment and arrest, in the same manner as in the circuit courts of the state. (1981 Code, § 2-197)

CHAPTER 4

COURT COSTS

SECTION

3-401. Court costs and litigation taxes.

3-402. Electronic citation fee.

3-401. Court costs and litigation taxes. 1. Court costs. a. Court costs for all non-parking offenses shall be \$91.00.

b. Court costs of \$91.00 shall also be collected in parking cases which involve a violation of Cleveland Municipal Code § 15-605(14) (Parking in a fire lane) or Cleveland Municipal Code § 15-605(13) (Parking in a handicap zone).

c. Court costs shall not be collected in any other parking cases.

d. In each case that the city collects court costs, \$1.00 of the court costs shall be remitted to the State of Tennessee in accordance with the provisions of the Municipal Court Reform Act of 2004.

2. Litigation taxes. a. Overtime parking offenses. For every violation for parking in excess of the time allowed (overtime parking) where the city collects a fine or a civil penalty, the offender shall also pay a litigation tax of one dollar (\$1.00). This litigation tax is in addition to the applicable fine or civil penalty. This one dollar (\$1.00) litigation tax shall be collected even if the offender does not appear in court to contest the parking citation, and instead elects to pay the fine or civil penalty.

b. All other municipal ordinance violations. The applicable state litigation tax for all other municipal ordinance violations shall be \$13.75. This litigation tax shall be collected when a person charged with violating a municipal ordinance is found guilty. This litigation tax is in addition to any applicable court costs assessed under § 3-401(1) of the Cleveland Municipal Code.

All funds derived from this thirteen dollar seventy-five cent (\$13.75) litigation tax shall be forwarded by the city to the State of Tennessee in accordance with the provisions of state law. (1981 Code, § 2-176, amended by Ord. of June 1995; Ord. of 3/25/2002; Ord. of 5/12/03; Ord. of 5/27/03; and Ord. #2004-01, Jan. 2004; replaced by Ord. #2005-10, March 2005, and Ord. #2005-18, May 2005, and amended by Ord. #2015-33, Nov. 2015)

3-402. Electronic citation fee. (1) Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 55-10-207, and in accordance with statutory requirements found in Tennessee Code Annotated, § 55-10-207, the city court clerk shall charge and collect an electronic citation fee

of five dollars (\$5.00) per citation which results in a conviction for any offense described under Tennessee Code Annotated, § 55-10-207.

(2) Effective date This section shall take effect from and after its final passage, the public welfare requiring it, and the citation fee described herein shall apply to citations issued on or after March 1, 2015.

(3) Sunset provision. In accordance with the provisions of Tennessee Code Annotated, § 55-10-207, the citation fee established herein shall terminate five (5) years from March 1, 2015, and the citation fee shall not apply to any citation issued on or after March 1, 2020. (as added by Ord. #2015-03, Feb. 2015)