

## TITLE 3

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

#### CHAPTER

1. MISCELLANEOUS.
2. CITY COURT.
3. PRISONERS.
4. JUVENILE JUDGE AND JUVENILE ADVISORY BOARD.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

3-101. Violations.

**3-101. Violations.** 1. Any person violating the terms of this title shall, upon conviction, be punished as provided in § 1-104. Any police officer or other city employee convicted of a violation of the terms of this title shall, in addition to the fine provided for in § 1-104, shall be immediately dismissed from the services of the city in accordance with section 166 of the city charter.

2. It shall be the duty of the city judge to make a written report of any violation of the terms of this title to the board of commissioners, a copy of which report shall be furnished by the city judge, to each member of the board of commissioners. (1985 Code, § 8-1)

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<sup>1</sup>Charter references

City bonds: art. XV.

City court and judge: art. XXII.

Juvenile court and judge: art. XXV.

State law references

Collection of fines and costs: Tennessee Code Annotated, § 6-54-303, et seq.

Punishment for contempt: Tennessee Code Annotated, § 29-9-103.

## CHAPTER 2

### CITY COURT

#### SECTION

- 3-201. Established; presiding officer; jurisdiction; sessions.
- 3-202. Docket--generally.
- 3-203. Report of arrests, committals, etc.; police attendance.
- 3-204. Confinement of defendants prior to hearing; bail bond.
- 3-205. Commitment of intoxicated persons.
- 3-206. Execution of judgment on forfeited bonds.
- 3-207. Remission of fines.
- 3-208. Discharge of acquitted persons.
- 3-209. Appeals.
- 3-210. Release of prisoners.
- 3-211. Court costs.
- 3-212. Local litigation tax.

**3-201. Established; presiding officer; jurisdiction; sessions.** There shall be a municipal court, which shall be known as the "city court" of the city, of which the city judge shall be the judge or presiding officer, which under the charter, shall have jurisdiction of and be vested with full power to try all offenses for violation of this code or other ordinances of the city, and is also vested with concurrent jurisdiction with justices of the peace in cases of the violation of the criminal laws of the state, and to be entitled to the same fees now allowed justices of the peace for like services, the same to be paid into the city treasury. Such court shall be opened at such time or times on each day, except Sunday, as shall be set by order of the city judge with the approval of the board of commissioners, and shall continue in session until the cases before it shall have been disposed of; but, upon good cause shown, the judge of such court may in his discretion, continue as provided by law, the hearing of any case pending in such court.<sup>1</sup> (1985 Code, § 8-18)

**2-202. Docket--generally.** The city judge shall keep a docket upon which shall be entered all the cases tried in the city court, and the docket shall show, by appropriate entries thereon, the name and style of the cause; the nature of the offense, the date of the hearing; the names of the accused, the arresting officer and the presiding judge; the judgment of the court; the amount of fines and costs, or by committal to the workhouse or work gang. The docket

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<sup>1</sup>Charter references

City court established, jurisdiction generally: § 100.

Disposition of costs: § 106.

shall show the names of witnesses examined in each case and the fees allowed them, and the date of appeal, if the case is appealed. Columns shall also be provided for recording payments and remissions of fines. Credits to the docket shall be by posting the amount of receipts issued by the city judge and reported by him in his daily report.<sup>1</sup> (1985 Code, § 8-19)

**3-203. Report of arrests, committals, etc.; police attendance.** It shall be the duty of the chief of police, or in his absence, of any of the policemen requested by the city judge, to report to the city court at 7:00 A.M. each morning, except Sunday, all arrests and committals and the names of witnesses, and wait upon the court during all its sittings. (1985 Code, § 8-20)

**3-204. Confinement of defendants prior to hearing; bail bond.** All persons arrested for the violation of this code or other ordinance or bylaw of the city, or for the commission of any municipal misdemeanor committed in the city, may be confined in jail until they can have a hearing in the city court, unless such persons give proper bond and security for their appearance before such court, in which event they may be released, and any member of the police force shall have authority to take from persons arrested bonds and securities for their appearance as set out in this section. (1985 Code, § 8-21)

**3-205. Commitment of intoxicated persons.** If, in the opinion of the city judge, any person brought before him in answer to any charge is too intoxicated to understand his situation, or properly attend to the trial, he may commit such person to jail until he is clothed in his right mind. (1985 Code, § 8-22)

**3-206. Execution of judgment on forfeited bonds.** The city court shall, in cases where the parties accused have been upon bond, if they shall not appear, proceed to enter judgment upon such bonds against the principal and sureties for the full amount of the penalty thereof, and the city judge shall, after the expiration of two (2) whole days from the rendition of the judgment, issue a fieri facias to the chief of police or any assistant policeman, who shall execute the same. (1985 Code, § 8-23)

**3-207. Remission of fines.** No person except the city judge shall be permitted to remit a fine, fines or part of a fine, imposed upon any person by the city court. (1985 Code, § 8-24)

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<sup>1</sup>Charter reference  
Court dockets: § 107.

**3-208. Discharge of acquitted persons.** All persons tried in the city court, who shall be acquitted of the offense against them, shall at once be discharged. (1985 Code, § 8-25)

**3-209. Appeals.** All persons convicted in the city court, and the city, shall have the right to appeal from the judgment of such court to the law court at Johnson City, where the cause shall be tried de novo; but no appeal shall be granted unless the same is prayed and obtained within two (2) days of the rendition of the judgment and a proper appeal bond is given, with solvent security, to be approved by the city judge, in no case less than the amount of judgment and costs, or upon otherwise complying with the law of the state in cases wherein the personal liberty of the defendant is involved. But in cases wherein a defendant has been convicted of an offense against this code or other ordinance of the city and fined therefor, and appeals from such conviction and fails to give bond for his appearance at the court to which he appeals, he may be confined in the city lockup, or prison, until his appeal is disposed of.<sup>1</sup> (1985 Code, § 8-26)

**3-210. Release of prisoners.** No person, except the city judge, shall be permitted to release any prisoner from the city jail, regardless of whether the prisoner has been tried by the city court or is in jail awaiting trial; but this section shall not be construed to mean that a prisoner may not be released when thought necessary by a designated physician, when such prisoner is in need of medical attention or hospitalization.<sup>2</sup> (1985 Code, § 8-27)

**3-211. Court costs.** Court costs in the total amount of fifty-four dollars (\$54.00) shall be levied and collected on every individual charge (except parking violations) adjudicated or otherwise disposed of in the Johnson City Municipal Court. One dollar (\$1.00) of the court costs collected on each charge shall be forwarded by the municipal court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education for municipal court judges and municipal court clerks, as required by the Municipal Court Reform Act. Three dollars (\$3.00) of the court costs collected on each

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<sup>1</sup>Charter reference

Appeals from city court, bond: § 103.

State law references

Appellate jurisdiction of circuit court: Tennessee Code Annotated, § 16-10-112.

<sup>2</sup>Charter reference

Authority to release prisoners, etc.: § 102

charge shall be accounted for separately in the city's accounting records under the term Municipal Court Technology Fee.

For parking violations, court costs of one dollar (\$1.00) shall be assessed as required by the Municipal Court Reform Act and shall be forwarded by the municipal 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. (as added by Ord. #4466-12, Oct. 2012)

**3-112. Local litigation tax.** In all cases in which a state litigation tax is imposed, a city litigation tax shall also be levied and collected, in the amount of thirteen dollars seventy-five cents (\$13.75). (as added by Ord. #4466-12, Oct. 2012)

## CHAPTER 3

### PRISONERS

#### SECTION

- 3-301. Workhouse authorized.
- 3-302. Confinement--generally.
- 3-303. Confinement--in lieu of paying fines and costs.
- 3-304. Hard labor--generally.
- 3-305. Hard labor--per diem.
- 3-306. Treatment generally.

**3-301. Workhouse authorized.** Whenever, in the opinion of the board of commissioners, it may be necessary, the board may purchase lands and erect or purchase buildings and provide everything necessary for a workhouse; appoint suitable persons to manage same, and make all necessary and proper regulations for the government thereof. (1985 Code, § 8-44)

**3-302. Confinement--generally.** Until a work house as provided in § 3-301 shall be built or established by the city, persons committed by the city judge shall be confined, when not at work, in the city jail, or in the county jail or workhouse and shall, while so confined, be under the guard and safekeeping of the keeper of the city jail or county jail or workhouse, their food and other necessities to be furnished as provided by the board of commissioners. (1985 Code, § 8-45)

**3-303. Confinement--in lieu of paying fines and costs.** If any person convicted of a violation of this code or other ordinance of the city, and given a fine or jail sentence, or both, shall fail to pay the fine and costs adjudged against him, he may be committed by the city judge to the county jail or workhouse, or to the custody of the officer having charge of the county prisoners, there to remain at labor until such fine and costs are paid, and such jail or workhouse sentence is served; provided, that such convict may, at any time, pay any balance of such fine and costs that may be unpaid, but in no case to be released until the expiration of such jail or workhouse sentence. (1985 Code, § 8-46)

**3-304. Hard labor--generally.** Persons committed as provided in this chapter shall be put to work at such labor as their health and strength will permit. Females shall be confined or kept at work separate and apart from male prisoners. The person in charge of prisoners shall be permitted to use the ball and chain, or hobbles, to prevent their escape, when he thinks it necessary. (1985 Code, § 8-47)

**3-305. Hard labor--per diem.** City convicts shall be worked upon the streets and other public works of the county, and shall be allowed such amount as may be established by state law for each day's work until such fine and costs are paid. (1985 Code, § 8-48)

**3-306. Treatment generally.** 1. The officer in charge of the city convicts shall treat them humanely, and shall provide them with good food, clean quarters, warmed as the season demands, and with water, towels and soap.

2. When any prisoner is sick or physically disabled, the jailor, or anyone else in charge of such prisoner, shall report the same to the city physician or the county jail physician, who shall examine such prisoner, and if he believes the disability will continue for some time, or that the condition of such prisoner is such as to endanger the health of other prisoners, he shall make a written report of same to the city judge, who shall have power to discharge such prisoner.<sup>1</sup> (1985 Code, § 8-49)

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<sup>1</sup>State law references

Medical care of prisoners: Tennessee Code Annotated, § 41-4-115.

## CHAPTER 4

### JUVENILE JUDGE AND JUVENILE ADVISORY BOARD

#### SECTION

3-401. Juvenile judge.

3-402. Juvenile advisory board.

3-403. Clerk of the juvenile court.

**3-401. Juvenile judge.** (1) Jurisdiction generally. The juvenile judge shall preside over the juvenile court. He shall have jurisdiction as provided by state law, this code and other ordinances of the city.<sup>1</sup>

(2) Quarterly reports of cases. The juvenile judge shall meet with the juvenile advisory board created by § 3-402(1) once each month and shall submit, in writing, once each quarter, a detailed report, furnishing one (1) copy to the secretary of the advisory board and one (1) copy to the city manager, showing a list of all cases for the previous quarter, which list shall show the names or numbers, of all children committed to any home or institution.<sup>2</sup>

(3) Work with juvenile advisory board as to juvenile home. It shall be the duty of the juvenile judge to work in conjunction with the juvenile advisory board created by § 3-402(1) and to originate and direct the policy of the juvenile home in accordance with the latest scientific methods of dealing with children, not inconsistent with the amount of funds in the treasury. The juvenile judge shall suggest and discuss with the advisory board any changes in the policies of the home, and such changes shall be made from time to time as are thought beneficial for the better conduct and maintenance of the juvenile home. (1985 Code, §§ 8-82, 8-83, and 8-84)

**3-402. Juvenile advisory board.** (1) Established; composition; terms of members; compensation. (a) A juvenile advisory board consisting of nine (9) members is created to work in connection with the juvenile judge and the juvenile home.

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<sup>1</sup>State law reference

Jurisdiction of juvenile court: Tennessee Code Annotated, § 37-1-103, et seq.

<sup>2</sup>Charter reference

Juvenile court and judge: art. XXV.

State law reference

Juvenile courts and proceedings: Tennessee Code Annotated, § 37-1-101, et seq.

(b) The board of commissioners shall annually elect three (3) members of such board to serve for a period of three (3) years. The members of the advisory board shall serve without remuneration.

(1) Organization. The juvenile advisory board created in this section shall elect from its own membership a chairman, a secretary and a treasurer.

(2) Duties generally. (a) The juvenile advisory board shall have no connection with the juvenile court, but shall be limited to the supervision of the juvenile home.

(b) All officers and members of the juvenile advisory board shall keep permanent records and shall surrender and deliver them to their successors.

(3) Chairman. The chairman of the juvenile advisory board created in this section shall preside at all meetings, appoint committees and be an ex officio member of all committees. Any major problem arising in connection with the juvenile court or the juvenile home shall be discussed with the board of commissioners by the chairman.

(4) Secretary. The secretary of the juvenile advisory board created in this section shall keep a record of each meeting and shall notify the members of the juvenile advisory board of the time and place of the meeting. The secretary shall, upon request, furnish the board of commissioners a detailed report of the proceedings of the juvenile advisory board.

(5) Treasurer. The treasurer of the juvenile advisory board created in this section shall have charge of all funds for the maintenance and upkeep of the juvenile home, including all donations from any source. The treasurer, with the juvenile judge, shall also be responsible for the collection of any money due to the home by parents or friends for the care of children detained therein. The treasurer shall be the purchasing agent and, as such, he shall be responsible for the buying of necessary supplies and groceries. When directed by the advisory board to do so, he shall pay for other items, such as repairs to the building and necessary furnishings, including forms, postage, and similar supplies, and he shall keep an itemized account of receipts and expenditures and shall make a quarterly report to the board of commissioners, or shall report more often if requested by the city manager to do so. The juvenile advisory board, by a majority vote of all its members, shall employ all necessary help to be used at the juvenile home, not inconsistent with the amount of funds in the treasury.

(6) Matron of juvenile home generally. The matron of the juvenile home shall make requisitions of the juvenile advisory board for such supplies as are necessary for the well being of the children. (1985 Code, §§ 8-96--8-102)

**3-403. Clerk of the juvenile court.** (1) The clerk of the Juvenile Court of Johnson City, Tennessee shall be elected by the qualified voters of the City of Johnson City, Tennessee, for a term of four (4) years, beginning with the general election in August, 2016.

(2) The juvenile court clerk shall be a resident of Johnson City, Tennessee. City of Johnson City employees are not permitted to fill this position.

(3) The duties of the juvenile court clerk are to perform all the clerical functions of the juvenile court, to maintain the records of the juvenile court, and to possess all authority of other juvenile court clerks as provided in Tennessee Code Annotated, title 37, or any other general law.

(4) The board of commissioners shall appoint an interim juvenile court clerk until the first election of the juvenile court clerk in August, 2016, and in the event of any future vacancy in the position.

(5) The board of commissioners hereby appoints the municipal court clerk as the interim juvenile court clerk, pending the first election in August 2016. Pending the first election, the position of the interim juvenile court clerk shall be a part-time position.

(6) Beginning September 1, 2020, the position of the juvenile court clerk may be a full-time or part-time position. The compensation of the juvenile court clerk shall be set by resolution of the board of commissioners.

(7) Before entering upon the duties of office, the juvenile court clerk shall enter into an official bond conditioned upon the safekeeping of the records and for the faithful discharge of the duties of the juvenile court clerk's office.

(8) Before entering upon the duties of office, the juvenile court clerk shall take an oath or affirmation to support the constitutions of the United States and the State of Tennessee, and to execute the duties of the office without prejudice, partiality or favor, to the best of the clerk's skill and ability.

(9) The Board of Commissioners of the City of Johnson City, Tennessee hereby calls for an election for the position of Juvenile Court Clerk on the August, 2016, ballot.

(10) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions, or application of the section which can be given effect without the invalid provision or application, and to that end, the provisions of this section are declared to be severable. (as added by Ord. #4556-14, Nov. 2014, as amended by Ord. #4721-19, Jan. 2020 ***Ch12\_6-20-20***)