

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

1. MUNICIPAL JUDGE AND MUNICIPAL COURT CLERK.
2. COURT ADMINISTRATION.
3. SUMMONSES AND SUBPOENAS.
4. APPEALS.

CHAPTER 1**MUNICIPAL JUDGE AND MUNICIPAL COURT CLERK****SECTION**

- 3-101. Municipal judge.
- 3-102. Jurisdiction.
- 3-103. Administration of oaths.
- 3-104. Prohibition against holding other offices.
- 3-105. Training and continuing education requirements.
- 3-106. Sitting by interchange.
- 3-107. Contempt of municipal court.
- 3-108. Municipal court clerk.
- 3-109. Maintenance of records.
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¹Charter references

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

3-101. Municipal judge. (1) The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the municipal judge.

(a) **Qualifications.** The municipal judge for the City of Lakeland shall be at least thirty (30) years of age, licensed in the State of Tennessee to practice law, and shall be a resident of Shelby County.

(b) **Appointment.** The municipal judge shall be appointed by and serve at the will and pleasure of the board of commissioners.

(c) **Vacancies in office.** Vacancies in the office of municipal judge shall be filled by the board of commissioners.

(d) **Compensation.** The compensation of the municipal judge shall be two hundred fifty dollars (\$250.00) per court session.

(e) **Judge pro tem.** During the absence or disability of the municipal judge, the board of commissioners may appoint a municipal judge pro tem to service until the municipal judge returns to his/her duties. The judge pro tem shall have all the qualifications required of the municipal judge under this section and shall have the authorities and powers of the municipal judge. (as added by Ord. #02-12, Nov. 2002, amended by Ord. #03-32, April 2003, and replaced by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-102. Jurisdiction. The municipal court shall have jurisdiction in and over cases for violation of, and cases arising under, the laws and ordinances of Lakeland. The municipal court shall also possess jurisdiction to enforce any Lakeland law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by Lakeland law or ordinance is a civil fine not in excess of fifty dollars (\$50.00). (as added by Ord. #02-12, Nov. 2002, replaced by Ord. #03-32, April 2003, and Ord. #17-289, Dec. 2017 *Ch8-12-06-18*)

3-103. Administration of oaths. The municipal judge shall be authorized to administer oaths. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-104. Prohibition against holding other offices. The municipal judge may not concurrently hold any other office or employment with the City of Lakeland. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-105. Training and continuing education requirements. The municipal judge shall meet all training and continuing education requirements set forth in Tennessee law.

(1) The municipal judge shall be compensated and reimbursed for attending required training or continuing education in accordance with Lakeland's travel policy.

(2) Training or continuing education hours may be carried over for one (1) calendar year. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-106. Sitting by interchange. The municipal court judge shall be authorized to sit by interchange for other municipal court judges. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-107. Contempt of municipal court. Contempt of municipal court shall be punishable by fine in the amount of fifty dollars (\$50.00), or such lesser amount as may be imposed in the municipal judge's discretion. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-108. Municipal court clerk. The board of commissioners shall appoint a person to serve as the municipal court clerk. Immediately upon such appointment, the city manager shall promptly certify the appointment to the Tennessee administrative office of the courts and shall supply such additional information concerning the clerk as required by the administrative director. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-109. Maintenance of records. The municipal court clerk shall maintain an accurate and detailed record and summary report of all financial transactions and affairs of the municipal court. The record and report shall accurately reflect all disposed cases, assessments, collections, suspensions, waivers and transmittals of litigation taxes, court costs, forfeitures, fines, fees and any other receipts and disbursements. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

3-110. Training and education requirements of clerk. The municipal court clerk shall meet any training and continuing education requirements set forth in Tennessee law. The municipal court clerk shall be compensated and reimbursed for attending required training or continuing education in accordance with Lakeland's travel policy. (as added by Ord. #17-259, Dec. 2017 *Ch8-12-06-18*)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of penalties and costs.
- 3-203. Disposition and report of penalties and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Municipal litigation tax.
- 3-206. Municipal court costs.

3-201. Maintenance of docket. The municipal judge with the aid of the municipal court clerk shall keep a complete docket of all matters coming before the municipal court. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-202. Imposition of penalties and costs. All penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the municipal court in the form of penalties, costs, and forfeitures shall be recorded by the municipal court clerk and shall be paid into the treasury of Lakeland. At the end of each month, the municipal court clerk shall submit a report to the Lakeland Board of Commissioners accounting for the collection or non-collection of ah penalties and costs imposed by the municipal judge during the current month and to date for the current fiscal year. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any municipal court proceeding. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-205. Municipal litigation tax. In all cases in municipal court, there is hereby levied a municipal litigation tax of thirteen dollars and seventy-five cents (\$13.75) which is equal to the prevailing state privilege tax on litigation in municipal courts. Notwithstanding the aforementioned municipal litigation privilege tax, there shall be no municipal litigation privilege tax levied or collected for a violation of any municipal law or ordinance governing the use of

a public parking space. (as added by Ord. #03-37, June 2003, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-206. Municipal court costs. In all cases before the Lakeland Municipal Court, there is hereby levied reasonable court costs of twenty five dollars (\$25.00) per case. The municipal court clerk shall forward one dollar (\$1.00) of the municipal court costs to the administrative office of the courts for the sole purpose of defraying the administrative director's expenses in providing training and continuing education courses for municipal court judges and municipal court clerks. (as added by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-303. Deleted.

3-301. Issuance of summonses. When a complaint of an alleged municipal law or municipal ordinance violation is made to the municipal judge, the judge may issue a summons ordering the alleged offender to personally appear before the municipal court at a time specified therein to answer to 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the municipal court as commanded in a summons lawfully served upon him or her, the cause may proceed ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right to appeal. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch12_12-06-18*)

3-302. Issuance of subpoenas. The 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 a subpoena to fail or neglect to comply therewith. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch12_12-06-18*)

3-303. Deleted. (Ord. #02-12, Nov. 2002, as deleted by Ord. #17-259, Dec. 2017 *Ch12_12-06-18*)

CHAPTER 4**APPEALS****SECTION**

3-401. Appeals.

3-402. Pauper's oath.

3-403. Deleted.

3-401. Appeals. Any person, corporation, or business entity dissatisfied with the judgment of the municipal court may, within ten (10) days thereafter, Sundays exclusive, appeal to the Shelby County Circuit Court, upon giving bond in the amount of two hundred fifty dollars (\$250.00) for the person's appearance and the faithful prosecution of the appeal. This section shall not affect Lakeland's authority to appeal an unsatisfactory judgment. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-402. Pauper's oath. A bond is not required provided the defendant/appellant files the following oath of poverty:

I, _____, do solemnly swear under the 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. Any person filing a pauper's oath must also file an accompanying affidavit of indigency. (as added by Ord. #02-12, Nov. 2002, and replaced by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)

3-403. Deleted. (as added by Ord. #02-12, Nov. 2002, and deleted by Ord. #17-259, Dec. 2017 *Ch8_12-06-18*)