

TITLE 3

MUNICIPAL COURT

CHAPTER

1. CITY COURT.
2. CITY JUDGE.
3. CITY COURT CLERK.
4. COURT ADMINISTRATION.
5. PROCESSES, BONDS AND APPEALS.
6. ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

CITY COURT¹

SECTION

- 3-101. Created; presiding officer.
- 3-102. Authority to enforce ordinances by fines, etc.
- 3-103. Time for sessions.
- 3-104. Contempt of court.

3-101. Created; presiding officer. There is hereby created a city court, to be presided over by a city judge.² (1969 Code, § 10-1)

3-102. Authority to enforce ordinances by fines, etc. The city court shall have the power to enforce any ordinance by means of fines, forfeitures, and penalties in accordance with the penalty provisions of such ordinance, but no fine, forfeiture, or penalty shall exceed fifty dollars (\$50.00). (1969 Code, § 10-10, modified)

3-103. Time for sessions. Effective January 1, 2011, sessions of city court shall be held at 9:00 A.M. on Monday and Thursday, and at 5:00 P.M. on Wednesday of each week, except on city holidays and other days as designated by the city judge. The city judge is authorized to change the regular court session dates and time and is authorized to establish other court dates and

¹Charter reference
City court: art III, § 3.

²Charter reference
City judge: art. III, § 2.
Removal of city judge: art. III, § 4.

times for special hearings. (1969 Code, § 10-12, as replaced by Ord. #17-10, Nov. 2010)

3-104. Contempt of court. The judge of the city court shall have the power to punish for contempt of court. Contempt of court is defined as willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law. A violation of this section is punishable by a fifty dollar (\$50.00) fine. (as added by Ord. #13-11, Nov. 2011)

CHAPTER 2

CITY JUDGE

SECTION

3-201. Election and term of judge.

3-202. Judge's salary.

3-203. Appointment of additional clerks and assistants; designation of bailiff.

3-204. Filling of vacancies in court offices.

3-205. Jurisdiction generally.

3-206. Authority of judge to adopt rules, maintain order and punish for contempt.

3-201. Election and term of judge. The city judge shall be elected in the manner provided for in article III, § 2, of the city's charter and the city judge's term of office shall be four (4) years. (1969 Code, § 10-2)

3-202. Judge's salary. The salary of the city judge shall be as provided by the ordinance adopting a comprehensive pay plan of the city. (1969 Code, § 10-3)

3-203. Appointment of additional clerks and assistants;¹ designation of bailiff. The city judge shall have the right to appoint such additional clerks or assistants as may be provided for by ordinance, and the city judge is hereby authorized to designate an officer from the ranks of the city police force as bailiff for the city court. (1969 Code, § 10-5)

3-204. Filling of vacancies in court offices. Any vacancy in the office of the city court clerk or any other lawful office or position in the city court shall be filled by appointment of the city judge. (1969 Code, § 10-6)

3-205. Jurisdiction generally. The judge of the city court shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. (1969 Code, § 10-9)

3-206. Authority of judge to adopt rules, maintain order and punish for contempt. The judge of the city court may adopt such rules as may be necessary to expedite the trial and disposal of cases. The city judge shall have the power to maintain order in the city judge's court and may punish as for

¹Charter reference

Clerk and employees of city court: art. III, § 2.

a contempt any person or persons interfering in any manner with the orderly operation of the court. (1969 Code, § 10-14)

CHAPTER 3

CITY COURT CLERK¹**SECTION**

3-301. Clerk's position created; appointment, term, and salary of clerk.

3-302. Clerk and deputies not to act as counsel or agent in cases; exception.

3-301. Clerk's position created; appointment, term, and salary of clerk. There is hereby created the position of city court clerk, who shall be appointed by, and serve at, the city judge's pleasure. The salary of the city court clerk shall be as provided by the ordinance adopting a comprehensive pay plan of the city. (1969 Code, § 10-4)

3-302. Clerk and deputies not to act as counsel or agent in cases; exception. Neither the clerk of the city court nor deputy clerks shall be concerned as counsel or agent in the prosecution or defense of any case before the city court, except as provided in § 15-120 of this code. (1969 Code, § 10-8)

¹Charter reference

Clerk and employees of city court: art. III, § 2.

CHAPTER 4

COURT ADMINISTRATION

SECTION

- 3-401. Compensation of judge and employees not to be related to amount of money collected and is in lieu of fees.
- 3-402. City court minutes.
- 3-403. Docket.
- 3-404. Defendant's name to be called and case disposed of in open court; appearance of defendant; forfeiture of bond or deposit for failure to appear.
- 3-405. Refund of cash deposit made by defendant.
- 3-406. Costs established.
- 3-407. Executions for unpaid fines and costs.
- 3-408. Law officers not entitled to witness fees.
- 3-409. Auditing of accounts.
- 3-410. Electronic traffic citation regulations and fees.
- 3-411. Sunset provision.

3-401. Compensation of judge and employees not to be related to amount of money collected and is in lieu of fees.¹ The compensation fixed for the judge, clerk and other employees of the city court shall in no way be related to the amount of money collected by the court or the clerk thereof, and the compensation so fixed shall be in lieu of all fees, fines, forfeitures or other money collected by the court. (1969 Code, § 10-7)

3-402. City court minutes. The minutes of the city court shall be maintained by the city court clerk and shall be reviewed by, and signed by, the city judge on a monthly basis. (1969 Code, § 10-13, modified)

3-403. Docket. The judge of the city court shall keep and maintain a docket of all cases set before him or her, which shall be a public record, and which shall reflect the style of the case, the date of trial, the offense charged and the disposition of the case. (1969 Code, § 10-17)

3-404. Defendant's name to be called and case disposed of in open court; appearance of defendant; forfeiture of bond or deposit for failure to appear. Except for pleas of guilty in cases of minor traffic violations, as provided for in § 15-120 of this code, it shall be the duty of the clerk of the city court to call out the names of all defendants appearing on the docket in open court and the judge of the court shall have no authority to dispose of any case

¹Charter reference: art. III, § 2.

appearing on the docket except in open court after a full and complete hearing. Except where a plea of guilty is entered by the clerk for a defendant in a minor traffic violation case, all defendants appearing upon the docket of the city court shall be required to appear in person for trial upon any charge when the defendant's name is called, and it shall not be lawful to waive the appearance of any such defendant, and if such defendant shall fail to appear when the case is called, the judge shall be required to authorize the clerk of the court to immediately take a forfeiture on the bonds or cash deposit of the defendant. (1969 Code, § 10-18)

3-405. Refund of cash deposit made by defendant. Whenever any defendant, upon arrest, has posted a cash forfeit, and after the hearing of the case the defendant shall be entitled to the return of such cash forfeit, or any part thereof, the clerk of the city court shall have no authority to refund or release such sum to any person other than the defendant, in which event the clerk shall be required to take a receipt from the defendant for the amount of refunded. Such receipt shall be preserved for the inspection of the city auditor and any other person designated by the city manager. (1969 Code, § 10-19)

3-406. Costs established. (1) Court costs. In all cases arising under the laws and ordinances of the city, the judge of the city court shall and is hereby authorized to tax in the bill of costs the sum of the following amounts:

(a) City court clerk fee. The city court clerk fee shall be eighty-one dollars and twenty-five cents (\$81.25) beginning January 1, 2012.

(b) Litigation tax. There is hereby levied and imposed a privilege tax on litigation in all cases arising under the laws and ordinances of the city instituted in the city court for the City of Oak Ridge, Tennessee, with such amount to be equal to the maximum amount permitted by state law. This litigation tax is imposed and is to be collected in the same manner set forth in title 67, chapter 4, of the Tennessee Code Annotated, as the same may be amended.

There may be included in such bill of costs the same amounts for witnesses for the city, other than police officers, as is allowed for such witnesses in state cases.

(2) Disposition of funds. All fines, penalties, forfeitures, and money collected hereunder shall be deposited into the general fund of the City of Oak Ridge, Tennessee. (Ord. #14-97, Sept. 1997, as amended by Ord. #16-04, Sept. 2004, and Ord. #14-11, Nov. 2011)

3-407. Executions for unpaid fines and costs. The city judge is empowered to issue executions for the collection of unpaid fines and costs to the city in the same manner as other courts of this state are now empowered. (1969 Code, § 10-24, modified)

3-408. Law officers not entitled to witness fees. No officer of the law shall be entitled to witness fees in a case prosecuted under an ordinance of the city before the city judge. (1969 Code, § 10-23)

3-409. Auditing of accounts. All accounts of the city court shall be subject to such audit as may be prescribed by the city manager. (1969 Code, § 10-29)

3-410. Electronic traffic citation regulations and fees.

(1) Establishment of fee. Pursuant to Tennessee Code Annotated, §55-10-207(e), the court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) for each traffic citation—whether written or electronic--resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges.

(2) Distribution of fee. Pursuant to Tennessee Code Annotated, § 55-10-207(e), one dollar (\$1 .00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the city police department.

(3) Use of fee. Pursuant to Tennessee Code Annotated, § 55-10-207(e), all funds derived from the electronic traffic citation fee that are transmitted to the city police department shall be accounted for in a special revenue fund of the police department and may only be used for the following purposes:

(a) Electronic citation system and program related expenditures; and

(b) Related expenditures by the police department for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

Pursuant to Tennessee Code Annotated, §55-10-207(e), all funds derived from the electronic traffic citation fee set aside for court clerks shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended. (as added by Ord. #3-2015, Jan. 2015)

3-411. Sunset provision. The sections created by this ordinance and its fee requirement shall terminate five (5) years from the date of adoption of this ordinance and the city code shall so be annotated. (as added by Ord. #3-2015, Jan. 2015)

CHAPTER 5

PROCESSES, BONDS AND APPEALS¹

SECTION

- 3-501. Signing of processes.
- 3-502. Execution of processes.
- 3-503. Right of persons arrested to post bail and contact attorney, bond provider, etc.
- 3-504. Authority of judge, clerk, etc., to accept bail.
- 3-505. Right of appeal.
- 3-506. Appeal bond--required; amount; conditions.
- 3-507. Appeal bond--sureties.

3-501. Signing of processes. All processes issuing from the city court shall be signed by either the judge or the clerk thereof, except that warrants for arrest shall be signed by the judge or deputy court clerks. All warrants charging state law violations shall be signed by the judge. Warrants charging city ordinance violations may be signed by the shift supervisor of the police department on duty when the warrant is sought who would be designated a deputy court clerk by the city judge. These deputy court clerks shall be so designated by the city judge by proper entry upon the minutes of the court and the administering of an oath by the city judge. Such deputy court clerks shall have no other powers than those granted by this section. (1969 Code, § 10-20)

3-502. Execution of processes. All warrants, subpoenas, orders and other processes of the city court shall be executed by the police officers of the city. (1969 Code, § 10-21)

3-503. Right of persons arrested to post bail and contact attorney, bond provider, etc. Persons arrested for the violation of any ordinance of the city shall be permitted to post bail, except where charged with public drunkenness or driving under the influence of some intoxicant or drug, in which event the booking officer in charge shall have the authority to detain such defendant for a reasonable time as a protection for the public and the person so arrested and committed, whereupon such person may be allowed to post bail. Persons arrested and detained shall be permitted to contact an attorney, bond provider, or other person to assist in his or her release. (1969 Code, § 10-15)

¹Charter reference

City court: art. III, § 3.

3-504. Authority of judge, clerk, etc., to accept bail. The city judge and the city court clerk or the city court clerk's deputies are authorized to take bail, either for the appearance of a defendant for examination or for the defendant's appearance at court to answer the charge made in the warrant of arrest. In the absence of the city judge and the city court clerk and the city court clerk's deputies, or in the event none of them are available, the highest ranking police officer on duty at the time is hereby designated as an officer of the court and is authorized to take such bail. If the defendant is committed to jail, the persons designated by this section may take bail at any time thereafter for the appearance of the defendant at the court having cognizance of the offense. (1969 Code, § 10-16)

3-505. Right of appeal. An appeal may be had to an appropriate court from any judgment of the city court if prayed and granted within ten (10) days from the rendition of judgment; provided, however, such appeal shall not act as a stay or supersedeas of the fine or imprisonment unless the defendant executes an appeal bond in the manner provided in this chapter. (1969 Code, § 10-25)

3-506. Appeal bond—required; amount; conditions. Any person convicted in the city court shall, upon appeal or other proceedings taking such case to the appellate court, give bond with approved surety in the amount of five hundred dollars (\$500.00), conditioned that, if the appellate court shall find against the appellant and the fine imposed by such court is not paid, the defendant will surrender himself or herself to the police authorities to be dealt with as other defenders whose fines are not paid.

In addition to all other conditions herein prescribed, the appeal bond shall contain a condition that the surety or sureties thereon shall be liable for whatever judgment may be rendered against the defendant in the appellate court. (1969 Code, § 10-26, modified)

3-507. Appeal bond—sureties. Each bond given to appeal any cause from the city court shall be executed by a corporate surety duly authorized and qualified to transact such business in the State of Tennessee, or by two (2) individual sureties approved by the clerk of the city court. (1969 Code, § 10-27)

CHAPTER 6

ADMINISTRATIVE HEARING OFFICER

SECTION

3-601. Administrative hearing officer.

3-602. Jurisdiction and procedure before the administrative hearing officer.

3-603. Judicial review of final order.

3-604. Interlocal agreements.

3-601. Administrative hearing officer. (1) In accordance with Tennessee Code Annotated, § 6-54-1001 et seq., there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the city's code relating to building and property maintenance, including:

- (a) Locally adopted building codes;
- (b) Locally adopted residential codes;
- (c) Locally adopted plumbing codes;
- (d) Locally adopted electrical codes;
- (e) Locally adopted mechanical codes;
- (f) Locally adopted energy codes;
- (g) Locally adopted property maintenance codes;
- (h) Locally adopted zoning codes; and
- (i) Ordinances regulating any subject matter commonly found in the codes mentioned above.

The administrative hearing officer is not authorized to hear violations of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated, § 68-120-101(a) enforced by a deputy building inspector pursuant to Tennessee Code Annotated, § 68-120-101(f).

(2) There is hereby created one (1) administrative hearing officer to be appointed by city council for a four (4) year term pursuant to Tennessee Code Annotated, § 6-54-1006 and serve at the pleasure of city council.

(3) The administrative hearing officer shall be one (1) of the following:

- (a) Licensed building inspector;
- (b) Licensed plumbing inspector;
- (c) Licensed electrical inspector;
- (d) Licensed attorney;
- (e) Licensed architect; or
- (f) Licensed engineer.

(4) The administrative hearing officer shall comply with the training and education requirements set forth in Tennessee Code Annotated, § 6-54-1007

(5) The amount of compensation for the administrative hearing officer shall be approved by city council.

(6) Clerical and administrative support for the administrative hearing officer shall be provided as determined by the city manager.

(7) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated, §6-54-1001 et seq. (as added by Ord. #01-2014, March 2014, and amended by Ord. #15-2014, Dec. 2014, and Ord. #14-2017, Oct. 2017)

3-602. Jurisdiction and procedure before the administrative hearing officer. The administrative hearing officer's jurisdiction shall be as set forth in Tennessee Code Annotated, § 6-54-1002, and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 6-54-1001 et seq., which provisions are adopted and incorporated herein by reference. (as added by Ord. #01-2014, March 2014)

3-603. Judicial review of final order. A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, § 6-54-1017, which shall be the only available method of judicial review. (as added by Ord. #01-2014, March 2014)

3-604. Interlocal agreements. As authorized by Tennessee Code Annotated, § 6-51-1001, the city is hereby authorized to enter into interlocal agreements with one (1) or more municipalities to employ an administrative hearing officer. (as added by Ord. #01-2014, March 2014)