

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. ELECTRONIC CITATION REGULATION AND FEES.

CHAPTER 1

CITY JUDGE²

SECTION

- 3-101. Prior charter provisions.
 3-102. Judicial department.

3-101. Prior charter provisions. Those sections of Article XI of the charter of the Town of Ashland City give to the Judicial Department of the city which are inconsistent with the provisions of this chapter hereby declared to be ineffective due either to this unconstitutionality as decreed by the Supreme Court of Tennessee in the case of The State of Tennessee, by and through the Town of South Carthage, Tennessee V. Chester Barrett, as filed September 28, 1992, or their supersession by this chapter. (1973 Code, § 1-501; Ord. #106, June 1994; and Ord. #112, Oct. 1994)

3-102. Judicial department. In accordance with public act of the General Assembly of the State of Tennessee, Chapter #115, April 12, 1993, the Judicial Department of the city shall be established and administered in the following manner:

(1) Number of judges. The board of mayor and aldermen shall establish from time to time, the ordinance, the number of persons who shall serve as city judge(s). By this ordinance such number established as one.

¹Charter reference
 City court: § 22.

²Charter references
 Absence of city judge: § 22(c).
 Appointment, qualification and bond: § 22(a).
 Jurisdiction, powers, and compensation: § 22(b).

(2) Qualifications and term. All persons serving as city judge shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit; they shall be 30 years of age, shall before their election have been a resident of the State of Tennessee for five years and of the city for one year, and shall be elected by the qualified voters of the city for a term of service of eight years.

(a) except for certain instances in which a person(s) may be appointed as city judge(s) for a term which shall expire after the applicable regular August general election, and

(b) except for any initial term of elected service which shall be shorter, all as provided hereinafter.

(3) Jurisdiction and powers. The jurisdiction of the city judge(s) shall extend to the trial of all offenses against the ordinances of the city and concurrently with the court of General Sessions of Cheatham County, Tennessee, for violation of the criminal laws of the state. Cost in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under general laws of the state of Tennessee. The city judge(s) shall have the power to levy fines, penalties and costs, pursue all necessary process, to administer oaths, and to maintain order, including the power to punish and contempt by fine of confinement not exceeding the limits provided by general laws.

(4) Bail. The bail of persons arrested and awaiting trials and persons appealing the decisions of a city offense shall be fixed by the city judge and upon such security as in his discretion he deems necessary as otherwise may be provided by ordinance of general law.

(5) Separation of powers. The city judge(s) shall be the exclusive judge of the law and facts in every case before him and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

(6) Popular election of judge(s). The popular election of the city judge(s) is hereby chosen as an alternative to the present method of selecting the city judge(s) as set out in this charter of the city, and all city judges shall be popularly elected, subject to the provisions for initial appointments as provided for herein and appointments to fill any vacancy.

(7) Term; election procedure. The term of office of a city judge shall be eight years, except for any initial term that may be shorter as provided herein. Upon this chapter becoming effective,¹ the board may appoint a qualified person(s) to serve in the position of city judge(s) until the next regular August general election. The first city judge(s) popularly elected pursuant to this chapter and state law shall be elected at the next regular August general

¹These provisions were taken from ordinance number 112 which passed second reading Oct. 11, 1994.

election that takes place at least 30 days after this chapter becomes effective. The person(s) elected at the aforesaid election shall serve only until replaced by a successor to be chosen at the next regular judicial election held in accordance with Article VII, Section 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this chapter and general laws shall be held in accordance with article VII, section 5 of the Tennessee Constitution.

(8) Vacancy. A vacancy in the office of city judge shall be filled by appointment by the board. The person appointed, however, may serve only until the next regular August general election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not to be filled at such election. In the temporary absence or inability of a city judge, the board shall appoint a qualified person to serve until the judge returns.

(9) Compensation. The salary and any other benefits relating to the office of all city judges shall be established by the board by ordinance prior to the commencement of the term of office and shall not be increased nor diminished during such term. The salary for the office of city judge is hereby fixed at eleven thousand two-hundred fifty dollars (\$11,250.00) per year. The salary shall be paid monthly from the general fund of the city.

(10) Records; docket; city clerk. The city does not elect, as permitted by the laws of the state of Tennessee, to require the city court clerk to be elected. The city administrator shall have the duty of maintaining all records of the city court in accordance with applicable laws. The city administrator may employ on behalf of the city a person to assist him in this function and such person shall be designated as city court clerk. The board shall require the proper maintenance of the docket of the city court and other records of the court. Subject to general law and the authority of the city judge(s), the board shall fix the regular time for holding court. (Ord. #106, June 1994 and Ord. #112, Oct. 1994, as amended by Ord. #304, June 2005, and Ord. #405, June 2013)

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. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1973 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs.¹ All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases. (1973 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the city council 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. (1973 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1973 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and

¹The current court costs, as provided by Ord. #277, June 2003, are of record in the office of the city clerk.

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. (1973 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1973 Code, § 1-503)

3-302. Issuance of summonses.² When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally 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. (1973 Code, § 1-504)

3-303. 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. (1973 Code, § 1-505)

¹State law reference

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

²Municipal code references

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1973 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1973 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. When any arrested person posts a cash deposit he shall be given a receipt which shall explain the nature of the deposit.

Pursuant to Tennessee Code Annotated §§ 55-50-801--55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic except driving under the influence of an intoxicant

¹State law reference

Tennessee Code Annotated, § 27-5-101.

or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated §§ 55-50-801--55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (1973 Code, § 1-510)

CHAPTER 5

ELECTRONIC CITATION REGULATION AND FEES

SECTION

3-501. Definition and fee.

3-502. Sunset provision.

3-501. Definition and fee. (1) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(2) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (as added by Ord. #420, Sept. 2014)

3-502. Sunset provision. This chapter and its fee requirement shall terminate five (5) years from the date of adoption of this chapter and the city's code shall be so annotated. (as added by Ord. #420, Sept. 2014)