

## TITLE 3

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

#### CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

#### CHAPTER 1

#### CITY JUDGE<sup>2</sup>

#### SECTION

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

**3-101. City judge.** (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the city council and shall serve at the will of the city council. City council shall appoint a city judge for a term of four (4) years at the January council meeting of the start of the third year of the mayor's term of office. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall have a minimum of five (5) years of experience as a licensed attorney in the State of Tennessee, and be a resident of Anderson County. If the city judge for any reason removes his domicile from Anderson County after his appointment, the removal of this domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro-tem. The city judge shall have the right to appoint persons to temporarily assume the duties and authority of the city judge during his temporary absences. Should the city judge be unable to perform the duties

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<sup>1</sup>Charter references

City judge and city court: art. III, § 3.

Conflicts of interest: art. VI, § 5.

Fines and forfeitures--authority and limits: art. III, § 1(bb).

<sup>2</sup>Charter references

Appointment, compensation, duties, etc.: art. III, § 3.

Conflict of interest: art. VI, § 5.

of the office for thirty (30) consecutive days for any reason or at any time, the city council may appoint a city judge pro-tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro-tem shall have all the qualifications required, and powers of, the city judge. (1991 Code, § 3-101, modified)

**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 under the general penalty provision of this code.

## 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. Contempt of court.

**3-201. Maintenance of docket.** The city judge or his designee 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; and all other information which may be relevant. (1991 Code, § 3-201, modified)

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

In all cases heard and determined by him, the city judge shall impose court costs in the amount of one hundred eleven dollars twenty-five cents (\$111.25). One dollar (\$1.00) of the court costs shall be forwarded by the 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.

In addition, pursuant to authority granted in Tennessee Code Annotated, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars seventy-five cents (\$13.75) in all cases on which state litigation tax is levied.

**3-203. Disposition and report of fines, penalties, and costs.** All fines, penalties, costs, forfeitures and money collected by the court, or the officers and employees thereof, shall be promptly recorded and turned over to the city treasury. At the end of each month the court clerk shall submit to the city council a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by the court during the current month and to date for the current fiscal year. (1991 Code, § 3-203, modified)

**3-204. Contempt of court.** Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, issue a summons ordering the alleged offender personally to 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 city code or 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. (1991 Code, § 3-302, modified)

**3-302. 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. (1991 Code, § 3-303)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

**3-401. Appeals.** Any person dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>1</sup> thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

**3-402. Bond amounts, conditions, and forms.** (1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(2) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under 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;

(b) Files an accompanying affidavit of indigency.

The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.