

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. (1) Number of judges. The board of mayor and aldermen ("board") shall establish from time to time, by ordinance, the number of persons who shall serve as city judge. By Ord. #93-3 such number is established as one (1).

(2) Qualifications and term. All persons serving as city judge shall meet the qualifications established by art. VI, § 4 of the Tennessee Constitution and other state law to-wit: they shall be thirty (30) years of age, shall before this election have been a resident of the State of Tennessee for five (5) years and a resident of Dyer County for one (1) year, shall be licensed to practice law in Tennessee, and shall be elected by the qualified voters of the city for a term of eight (8) years, (a) except for certain instances in which a person(s) may be appointed as city judge for a term which shall expire after the next applicable regular November general election, and (b) except for any initial term of elected service which may be shorter, all as provided hereinafter.

(3) Jurisdiction and powers. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the town and concurrently with the Court of General Sessions of Dyer County, Tennessee, for violation of the criminal law of the state. Costs in trials of offenses against the ordinances of the town shall be provided by ordinance. Costs in other matters shall be established under general law of the State of Tennessee. The city judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths and to maintain order, including the power to

¹Charter references

City judge, city court clerk, etc.: § 26.

punish for contempt by fine or confinement not exceeding the limits provided by general law.

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

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

(6) Popular election of judge. The city judge shall be popularly elected, as hereinafter provided, 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 city judge shall be eight (8) years, except for any initial term that may be shorter as provided herein. The board may appoint a qualified person to serve in the position of city judge until the next regular November general election. The first city judge popularly elected pursuant to this chapter and state law shall be elected at the next regular November general election that takes place at least thirty (30) days after this chapter becomes effective. The person 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 art. VII, § 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 November election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not 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's return.

(9) Compensation. The salary and any other benefits relating to the office of city judge shall be established by the board by ordinance prior to the commencement of the term of office and shall not be increased nor decreased during such term. The salary shall be paid monthly from the general fund of the city. In addition, as part of the compensation relating to the office of city judge, a city judge, if otherwise eligible for coverage under the benefit plans of the city, shall be afforded the same coverage under such plans, at the expense of the city, as is generally afforded to the other employees of the city.

(10) Records; docket; city clerk. The town does not elect, as permitted by the law of the State of Tennessee to require the city court clerk to be elected. The city court clerk shall have the duty of maintaining all records of the city court in accordance with applicable laws. 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, the board shall fix the

Change 9, January 18, 2005

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regular time for holding court. (Ord. #93-3, May 1993, as replaced by Ord. #2004-1, March 2004)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. City court clerk.
- 3-207. Assistant city court clerks.
- 3-208. Special judge.
- 3-209. Salaries of city court judge; special judge or judges, city court clerk, and assistant city court clerks.

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 and costs imposed and whether collected, whether committed to workhouse; and all other information which may be relevant. (1982 Code, § 1-502)

3-202. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. In all cases the costs shall be \$59.25 on regular warrants, and \$59.25 on traffic tickets. Both regular warrants and traffic tickets shall be subject to the \$13.75 state litigation tax. In all state cases, the costs shall be the same as charged by general sessions courts for similar work. (1982 Code, § 1-507, modified)

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, costs and forfeitures shall be recorded by the court clerk and paid over daily to the town. At the end of each month the clerk shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1982 Code, § 1-510)

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. (1982 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a town ordinance or state statute shall be entitled to an immediate trial and 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. (1982 Code, § 1-505)

3-206. City court clerk. The officer designated by the town charter to administer the clerical affairs of the city court shall be known as the city court clerk and shall hold and exercise the powers and authority granted in the charter as well as any and all other authorized power lawfully granted it and shall be responsible for the daily administration of the clerical affairs of the court. (1982 Code, § 1-513)

3-207. Assistant city court clerks. The officer or officers designated by the town charter to assist the city court clerk in its duties shall be known as assistant city court clerks and shall hold and exercise the powers and authority granted in the charter as well as any and all other authority and power lawfully granted and shall assist the city court clerk in its administrative duties. (1982 Code, § 1-514)

3-208. Special judge. The officer or officers designated by the town charter to serve as judge of the city court in the place and stead of the city judge shall be known as the special judge or judges and shall hold and exercise the powers and authority granted thereto in the city charter. The special judge or judges shall be chosen by the following procedure: Upon his appointment, the city judge shall submit the names of no fewer than five persons possessing the qualifications for the position of special judge to the board of mayor and aldermen as nominees for the office of special judge. The board of mayor and aldermen shall thereafter review and consider the nominees and appoint one or more of same to the office of special judge. If upon its review of the nominees, the board of mayor and aldermen deems it necessary or appropriate to consider additional nominees, it may direct the city judge to nominate additional persons for consideration of the office. Upon appointment by the board, the special judge shall be vested with the authority granted the office by the city charter. (1982 Code, § 1-515)

3-209. Salaries of city court judge, special judge or judges, city court clerk, and assistant city court clerks. The city court judge, special judge or judges, city court clerk and assistant city court clerks shall be paid such compensation by the town as affixed by the board of mayor and aldermen. (1982 Code, § 1-516)

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 town ordinances or state statutes. (1982 Code, § 1-511)

3-302. Issuance of summonses. When a complaint of an alleged town ordinance and state statutory 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. (1982 Code, § 1-503)

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. (1982 Code, § 1-504)

¹State law reference

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

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 or protective custody. (1982 Code, § 1-506)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1982 Code, § 1-508)

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 within the county. No other type bond shall be acceptable. (1982 Code, § 1-509)

¹State law reference

Tennessee Code Annotated, § 27-5-101.