

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE²

SECTION

- 3-101. City judge.
- 3-102. Jurisdiction.
- 3-103. Creation, popular election, term, salary, etc.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1993 Code, § 1-604, modified)

3-102. Jurisdiction. (1) Violation of municipal ordinances. 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 not to exceed \$500.

(2) Violation of state laws. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city. (1993 Code, § 1-602, modified)

3-103. Creation, popular election, term, salary, etc. (1) Creation. Pursuant to Tennessee Code Annotated, § 16-18-201, a new City Judge of the City of East Ridge is hereby created.

¹Charter reference
City court: § 6-A.

²Charter references
City judge: § 6-B.
Removal of city judge: § 6-D.

(a) The newly created judge's term shall commence after his election, by the qualified voters of the city, on November 2, 2004, and the conclusion of the current judges term in 2004;

(b) The requirements of city judge shall be the same as those as set forth in the Article VII of the Tennessee Constitution and § 3-103(2) of this code;

(c) The initial term of office for the newly created judge shall end in September 2006;

(d) The newly created judgeship shall then be elected, pursuant to Article VII, Section 5 of the Tennessee Constitution, for an eight (8) year term at the regular state judicial election in August of 2006 with the term commencing in September 2006;

(e) After the election in August of 2006 the City Judge in East Ridge shall be elected during the regular judicial election each and every eight (8) years thereafter;

(f) The current judgeship created by the Charter of the City of East Ridge shall forever end after the current term ends in December 2004 and shall not be filled by election or appointment again and the newly created city judge position shall assume all responsibilities of the current city judge position.

(g) All of the provisions of the Charter of East Ridge applicable to the city judge shall be applicable to the judge created herein except for those provisions contrary to this section wherein the terms of this section shall apply rather than the terms of the charter;

(h) It is the intent of this section that only one duly elected or appointed City Judge of East Ridge shall be serving at one time.

(2) Qualifications. The city judge shall be a resident of the City of East Ridge one (1) year and a resident of the state for five (5) years immediately preceding his election, at least thirty (30) years of age, licensed to practice law in Tennessee and meeting the other minimum requirements as set forth in the City Charter of the City of East Ridge.

(3) Vacancies in office. Vacancies in the office of city judge shall be filled by appointment of the city council of the city to serve until a special election is had at the next biennial August election occurring more than thirty (30) days after the vacancy occurs.

(4) Salary. The salary of the city judge shall be eight hundred dollars (\$800.00) per month. (1993 Code, § 1-601 and § 1-603, modified, as replaced by Ord. #767, April 2004)

CHAPTER 2

COURT ADMINISTRATION¹

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. Failure to appear.

3-206. Collection agencies; authorization of city to contract.

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 that may be relevant. (1993 Code, § 1-605)

3-202. Imposition of fines, penalties and costs. 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 the city judge shall tax in the bill of costs municipal court fees in the amount of seventy-one dollars and twenty-five cents (\$71.25) in addition to all applicable litigation taxes and specific fees required to be imposed on specific cases. Of the above court fees, one dollar (\$1.00), on municipal code violations shall be sent to the state for municipal court training as required by Tennessee Code Annotated, § 16-18-304. (1993 Code, § 1-611, modified, and replaced by Ord. #785, March 2005)

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 city. 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 and costs imposed by his court during the current month and to date for the current fiscal year. (1993 Code, § 1-614, modified)

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

¹Charter reference

City court administration: § 6-C.

loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1993 Code, § 1-615)

3-205. Failure to appear. Any person who fails to appear in city court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a civil offense punishable under the general penalty clause of this code.

3-206. Collection agencies; authorization of city to contract.

(1) The city is authorized to contract with collection agencies to collect fees and costs assessed by the municipal court where the fines and costs have not been collected within sixty (60) days after they were due. Provided, however, any such contract with the collection agency shall be in writing, and shall include a provision specifying whether the collection agency may institute an action to collect fines and costs in a judicial proceeding. The collection agency may be paid an amount not exceeding that authorized by Tennessee Code Annotated, § 40-24-105(d).

(2) The city also authorizes the collection agency to collect any other municipal fees owed to the city. (as added by Ord. #894, Aug. 2011)

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. (1993 Code, § 1-606, modified)

3-302. Issuance of summonses. 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. (1993 Code, § 1-607)

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. (1993 Code, § 1-608)

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. (1) Deposit allowed.

Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such 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 of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (1993 Code, § 1-610, modified)

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 (1993 Code, § 1-612)

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 such amount as the city judge shall prescribe, not to exceed 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 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. (1993 Code, § 1-613, modified)

¹State law reference
Tennessee Code Annotated, § 27-5-101.

CHAPTER 5

CITY COURT CLERK

SECTION

- 3-501. Court clerk to be elected.
- 3-502. Election and term.
- 3-503. Qualifications.
- 3-504. Compensation.
- 3-505. Clerk; residency requirements.
- 3-506. Clerk; election and term.
- 3-507. Clerk; policies and procedures.

3-501. Court clerk to be elected. The City of East Ridge will have an elected city court clerk in accordance with Tennessee Constitution Article VI, Section 13. (as added by Ord. #932, Nov. 2012, and replaced by Ord. #938, Dec. 2012)

3-502. Election and term. At the next regular Hamilton County, Tennessee general election in August 2014 the city court clerk shall be elected by the qualified voters of the city for a four (4) year term and every four (4) years thereafter. The clerk shall take office September 1. (as added by Ord. #932, Nov. 2012, and replaced by Ord. #938, Dec. 2012)

3-503. Qualifications. Any candidate for the office of the city court clerk shall meet the qualifications for elective office for the City of East Ridge as set forth in the Charter and applicable state law. (as added by Ord. #932, Nov. 2012, and replaced by Ord. #938, Dec. 2012)

3-504. Compensation. Compensation for the clerk shall be set by the City Council of the City of East Ridge, Tennessee by ordinance at least ninety (90) days prior to the general election in 2014. Thereafter, the City Council of the City of East Ridge, Tennessee shall by ordinance¹ set the compensation for the city court clerk from time to time. It shall not be increased or decreased during a single term of office. (as added by Ord. #932, Nov. 2012, and replaced by Ord. #938, Dec. 2012)

3-505. Clerk; residency requirements. The elected clerk for the municipal court of the City of East Ridge must be a citizen of the United States and of the State of Tennessee, who is a bona fide resident and registered voter

¹Ordinances setting compensation for the clerk are available for review in the office of the city recorder.

of the City of East Ridge, for at least one (1) year before his/her election, is at least twenty-one (21) years of age and has never suffered a conviction for any crime involving moral turpitude. (as added by Ord. #963, Feb. 2014)

3-506. Clerk; election and term. Following the initial election of the clerk, in August, 2014, subsequent elections for the position of clerk shall be held every four (4) years, in November of the year of each such election. (as added by Ord. #963, Feb. 2014)

3-507. Clerk; policies and procedures. The elected clerk shall comply with all existing policies and procedures concerning the hiring, firing and oversight of personnel employed in the clerk's office. (as added by Ord. #963, Feb. 2014)