

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**JUDICIAL DEPARTMENT****SECTION**

- 3-101. Judicial department established.
- 3-102. Number of judges.
- 3-103. Qualifications and term.
- 3-104. Jurisdiction and powers.
- 3-105. Bail.
- 3-106. Separation of powers.
- 3-107. Popular election of judge.
- 3-108. Term; election procedure.
- 3-109. Vacancy.
- 3-110. Compensation.

3-101. Judicial department established. The Judicial Department of the Town of White Bluff shall be established and administered in accordance with the following sections. (Ord. #137, Oct. 1993)

3-102. Number of judges. The town council shall establish from time to time, by ordinance, the number of persons who shall serve as city judge. By this section such number is established as one. (Ord. #137, Oct. 1993)

3-103. Qualifications and term. All persons serving as city judge shall meet the qualifications established by Article VI, § 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

¹Charter references

Authority to appoint city judge: § 23.

one year, and shall be elected by the qualified voters of the city for a term of service of eight years,

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

(2) Except for any initial terms of elected service which may be shorter, all as provided hereinafter. (Ord. #137, Oct. 1993)

3-104. Jurisdiction and powers. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city and concurrently with the Court of General Sessions of Dickson County, Tennessee, for violation of the criminal laws of the state. Costs 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 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 punish for contempt by fine or confinement not exceeding the limits provided by general laws. (Ord. #137, Oct. 1993)

3-105. 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. (Ord. #137, Oct. 1993)

3-106. 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 city shall attempt to influence his decision except through pertinent facts presented in court. (Ord. #137, Oct. 1993)

3-107. Popular election of judge. The popular election of the city judge is hereby chosen as an alternative to the present method of selecting the city judge as set out in the charter of the city, and all city judges shall be properly elected, subject to the provisions for initial appointments as provided for herein and appointments to fill any vacancy. (Ord. #137, Oct. 1993)

3-108. Term; election procedure. The term of office of a city judge shall be eight years, except for any initial terms that may be shorter as provided herein. Upon this section becoming effective, the council may appoint a qualified person to serve in the position of city judge until the next regular August general election. The first city judge popularly elected pursuant to this section and state law shall be elected at the next regular August general election that takes place at least 30 days after this section 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 Article

VII, § 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this section and general laws shall be held in accordance with Article VII, § 5 of the Tennessee Constitution. (Ord. #137, Oct. 1993)

3-109. Vacancy. A vacancy in the office of city judge shall be filled by appointment by the council. 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 council shall appoint a qualified person to serve until the judge's return. (Ord. #137, Oct. 1993)

3-110. Compensation. The salary and any other benefits relating to the office of all city judges shall be established by the council 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 \$300 per month. The salary shall be paid monthly from the general fund of the city. (Ord. #137, Oct. 1993)

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. Jailer's fee affixed.
- 3-205. Jailer's fee collection.
- 3-206. Disturbance of proceedings.
- 3-207. Trial and disposition of cases.
- 3-208. Local litigation tax.

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. (1983 Code, § 1-502)

3-202. Imposition of fines, penalties, 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 heard or determined by him, the city judge shall tax in the bill of costs in all criminal cases heard or determined by him the sum of one hundred thirteen dollars and twenty-five cents (\$113.25) or an indigent defense cost of twelve dollars and fifty cents (\$12.50); in all other cases heard or determined by him in the sum of ninety-six dollars and twenty-five cents (\$96.25). (1983 Code, § 1-508, as amended by Ord. #120, Aug. 1991, Ord. #224, Jan. 2003, and Ord. #225, Jan. 2003)

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 him and paid over daily to Town of White Bluff.

At the end of each month he shall submit to the town 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. (1983 Code, § 1-511)

3-204. Jailer's fee affixed. The jailer's fee for the Town of White Bluff is hereby affixed at twenty-five (\$25.00) dollars per misdemeanor prisoner per

24-hour period of confinement in the county jail or workhouse.¹ (Ord. #149, Feb. 1996)

3-205. Jailer's fee collection. The jailer's fee herein fixed shall be collected by the clerk of the appropriate court as part of the fines and costs imposed in each misdemeanor case upon a finding of guilt. (Ord. #149, Feb. 1996)

3-206. 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. (1983 Code, § 1-512)

3-207. Trial and disposition of cases. Every person charged with violating a city ordinance 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. (1983 Code, § 1-506)

3-208. Local litigation tax. (1) A local litigation tax in the amount of thirteen dollars and seventy five cents (\$13.75) be assessed in all cases coming before the White Bluff Municipal Court and included in all bill of costs and charged to each defendant or party assessed with costs in the White Bluff Municipal Court.

(2) The privilege tax levied pursuant to this section shall be paid to the city recorder monthly to be used for any municipal purposes. (Ord. #218, April 2002)

¹Municipal code reference
Workhouse: title 6.

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. (1983 Code, § 1-503)

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. (1983 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. (1983 Code, § 1-505)

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 of protective custody. (1983 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, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1983 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, except that any person arrested for a traffic violation who has in his lawful possession a valid drivers' license issued by the State of Tennessee or any other state or territory or District of Columbia shall have the option of depositing his drivers' license with the officer or court demanding bail or other security, unless the penalty for the violation includes the mandatory revocation of the drivers' license for any period of time.

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 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 bonds

¹State law reference

Tennessee Code Annotated, § 27-5-101.

or sureties other than those described above shall be acceptable. (1983 Code, § 1-510)

CHAPTER 5**COURT CLERK****SECTION**

- 3-501. Position of court clerk established.
- 3-502. Term of office.
- 3-503. Qualifications.
- 3-504. Salary.
- 3-505. Vacancies.
- 3-506. Duties of court clerk and assistant court clerk.
- 3-507. Issuance of arrest warrants.
- 3-508. Issuance of summonses.
- 3-509. Concurrent position.

3-501. Position of court clerk established. The position of court clerk and assistant court clerk for the Town of White Bluff is hereby established. (Ord. #199, Sept. 2000)

3-502. Term of office. The court clerk and assistant court clerk shall be appointed by the mayor for a four-year term. (Ord. #199, Sept. 2000)

3-503. Qualifications. The court clerk and the assistant court clerk shall be residents of the Town of White Bluff for one year prior to their appointment and a resident of the State of Tennessee for five (5) years immediately preceding his or her appointment, and at least thirty (30) years of age. (Ord. #199, Sept. 2000)

3-504. Salary. The salary for the court clerk and assistant court clerk shall be established annually as part of the annual budget for the Town of White Bluff. (Ord. #199, Sept. 2000)

3-505. Vacancies. Vacancies in the office of court clerk or assistant court clerk shall be filled by the mayor for the unexpired portion of the term. (Ord. #199, Sept. 2000)

3-506. Duties of court clerk and assistant court clerk. It shall be the duty of the court clerk and assistant court clerk to assist the city judge and keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name, warrant and/or summons number, alleged offense, disposition, fines and costs imposed and whether or not collected, whether committed to a workhouse, and all other information that may be relevant. The court clerk shall also assist the city judge in the administration of the court and shall submit to the town council a

monthly report accounting for the collection or non-collection of all fines and costs imposed by the city court during the current month and to date for the current fiscal year. (Ord. #199, Sept. 2000)

3-507. Issuance of arrest warrants. The court clerk shall have the power of magistrates to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #199, Sept. 2000)

3-508. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge or the clerk, the judge or the clerk may in their 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 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 upon him, the cause shall be proceeded with ex parte and a judgment of the court shall be valid and binding subject to the defendant's right of appeal. (Ord. #199, Sept. 2000)

3-509. Concurrent position. The position of court clerk or assistant court clerk may be combined with the duties of recorder or assistant recorder as provided in title 1, chapter 3 of the White Bluff Municipal Code. (Ord. #199, Sept. 2000)