

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE¹

SECTION

3-101. City judge.

3-101. City judge. The judge, as provided in the charter, shall preside over the city court. (1979 Code, § 1-501)

¹Charter references: §§ 11 and 12.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition and remission of fines and costs.

3-203. Disposition and report of fines and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The 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. (1979 Code, § 1-502)

3-202. Imposition and remission of fines and costs. All fines and costs shall be imposed and recorded by the judge on the city court docket in open court. After any fine and costs have been so imposed and recorded, the judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

Costs of each case except driving under the influence cases and cases under § 11-301, exclusive of jail costs, shall be seventy and no/100 (\$70.00) dollars and special police fund, \$10.00.

Costs of driving under the influence cases and cases under § 11-301, exclusive of jail costs, shall be one hundred and no/100 (\$100.00) dollars, and special police fund, \$10.00. (1979 Code, § 1-508, as amended by Ord. #96-4, Feb. 1996, and replaced by Ord. #2002-8, June 2002)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he 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. (1979 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the judge by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1979 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 disposition of his case, provided the city court is in session or the 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. (1979 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.

3-304. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.

3-301. Issuance of arrest warrants.¹ Only the judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1979 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the judge, he may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally appear before the judge 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 judge as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte and the judgment of the judge shall be valid and binding subject to the defendant's right of appeal. (1979 Code, § 1-504)

3-303. Issuance of subpoenas. The 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. (1979 Code, § 1-505)

3-304. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses. The Mayor and Aldermen of the City of Fayetteville, hereby designate the director of public works as having the authority to issue ordinance summons in the area of sanitation and the building official as having the authority to issue ordinance summons in the area of litter control, construction and zoning codes members of the fire department in the area of fire codes and fire prevention, and the animal control officer as having

¹State law reference

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

authority to issue ordinance summons in the area of animal control as provided in Tennessee Code Annotated, §§ 7-63-201 through 7-63-204.

Such enforcement officers who witness a violation of any ordinance, law or regulation in those areas in which they have been given the authority to issue ordinance summonses may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person cited notice of the charge against him and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may have a summons issued by the clerk of the city court or may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided for in citations in lieu of arrest in non-traffic cases.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1979 Code, § 1-513)

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 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 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. (1979 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the judge 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 (1979 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the judge shall be in such amount as the judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the judge 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 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. (1979 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 5

LITIGATION TAX

SECTION

3-501. Litigation tax.

3-501. Litigation tax. Effective on the first day of the month following the passage and publication of this section, a city litigation tax shall become effective as follows:

(1) On cases in city court, there is hereby levied a city litigation tax to match the state litigation tax of \$13.75.

(2) The privilege taxes levied pursuant to this section shall be paid to the city recorder monthly to be used to assist in paying for the operation of city court and the police department. (as added by Ord. #2003-2, June 2003)