

**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****SECTION**

3-101. City judge.

**3-101. City judge.** (1) Prior charter provisions. Any portion of section 9 of the Charter of the City of Dyersburg relative to the City Judge of Dyersburg, Tennessee, which is inconsistent with the provisions of this ordinance<sup>2</sup> are hereby declared to be ineffective due either to their unconstitutionality as decreed by the Supreme Court of Tennessee in the case of The State of Tennessee, by and through the Town of South Carthage, Tennessee v. Chester Barrett, as filed September 28, 1992, or their supersession by this ordinance.

(2) Municipal court. In accordance with the Public Act, City Court and City Judge of the General Assembly of the State of Tennessee, the Municipal Court of the City of Dyersburg shall be established and administered in the following manner.

(a) 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 this ordinance such number is established as one (1).

(b) Qualifications and term. All persons serving as city judge shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit: they shall be thirty (30) years of age, shall before their election have been a resident of the State of Tennessee

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<sup>1</sup>Charter reference: § 9.

<sup>2</sup>Ordinance #B-394.

for five (5) years and of the city for one (1) year, and shall be elected by the qualified voters of the city for a term of service of eight (8) years,

(i) 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 August general election, and

(ii) Except for any initial term of elected service which may be shorter, all as provided hereinafter.

(c) 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 Dyer 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 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 punish for contempt by fine or confinement not exceeding the limits provided by general law.

(d) 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.

(e) 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.

(f) 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.

(g) 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. Upon this ordinance becoming effective,<sup>1</sup> the board 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 ordinance and state law shall be elected at the next regular August general election that takes place at least thirty (30) days after this ordinance 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

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<sup>1</sup>Ordinance #BB-394 was passed on April 19, 1993.

Article 7, Section 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this ordinance and general law shall be held in accordance with Article 7, Section 5 of the Tennessee Constitution.

(h) 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 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 board shall appoint a qualified person to serve until the judge's return.

(i) 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 diminished during such term. The salary for the office of city judge is hereby fixed at fifteen thousand dollars (\$15,000.00) annually. 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 health and medical benefits 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.

(j) Records; docket; city clerk. The city 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 regular time for holding court. (1978 Code, § 1-501)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition 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 city court clerk shall 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 numbers; alleged offense(s); disposition; fines and costs imposed, and whether collected; and all other information that may be relevant. (1978 Code, § 1-502, modified)

**3-202. Imposition of fines and costs.** All fines and costs shall be imposed and recorded by the city court clerk on the city court docket in open court. Fines and costs shall be imposed as prescribed by this municipal code and by the laws of the State of Tennessee. (1978 Code, § 1-508, modified)

**3-203. Disposition and report of fines and costs.** All funds collected by the city court in the form of fines, costs, and forfeitures shall be recorded and paid over daily to the city. At the end of each month the city court clerk or a duly sworn deputy clerk shall submit to the city treasurer a report accounting for the collection or non-collection of all fines and costs imposed by the city court during the month and to date for the current fiscal year. (1978 Code, § 1-511, 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 loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1978 Code, § 1-512)

**3-205. 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. (1978 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.

**3-301. Issuance of arrest warrants.**<sup>1</sup> The city judge, city court clerk or any duly sworn deputy clerk shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1978 Code, § 1-503, 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. (1978 Code, § 1-504)

**3-303. Issuance of subpoenas.** The city judge, city court clerk or any duly sworn deputy clerk may subpoena as witnesses all persons whose testimony he or she believes will be relevant and material to matters coming before the city court. It shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1978 Code, § 1-505, modified)

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<sup>1</sup>State 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 city court clerk provided that the clerk reasonably believes that the judge will not be present within three (3) hours after the alleged offender has been committed to the city jail. No bail shall be available if such alleged offender is drunk or otherwise in need of protective custody. The judge or clerk may set the amount of bail as prescribed by state law. (1978 Code, § 1-507, 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.<sup>1</sup> (1978 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. 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

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

business in Tennessee or by a property bond as prescribed by state law.<sup>1</sup> (1978 Code, § 1-510, modified)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 40-11-122.