

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY COURT
2. CITY JUDGE

CHAPTER 1

CITY COURT¹

SECTION

- 3-101. Issuance of warrant for arrest of offenders.
- 3-102. Order of trial of offenders; continuance of cases.
- 3-103. Collection of fines and costs; imprisonment for failure to pay fine.
- 3-104. Responsibility of officers to obtain security before releasing persons convicted of offenses.
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3-101. Issuance of warrant for arrest of offenders.² Whenever complaint is made upon oath to the mayor or recorder that a misdemeanor has been committed within the city or that any person has violated any of the provisions of this code or other city ordinance, the official to whom the complaint is made shall immediately issue a warrant, directed to any lawful officer of the city, commanding the arrest of such offender. When police officers are absent or incapacitated and the business urgent, the mayor or recorder may appoint a special officer to arrest such offender, who shall have all the authority of a policeman.

¹Charter reference

Mayor's and recorder's judicial functions: § 5(20).

Workhouse organization: § 6.

Municipal reference

Mayor's jurisdiction; § 1-304.

Recorder's jurisdiction; § 1-502.

²State law reference

Tennessee Code Annotated, title 40, ch. 6.

The warrant mentioned in this section shall run in the name of the state and the city against the person therein charged with committing the offense. (1979 Code, § 1-601)

3-102. Order of trial of offenders; continuance of cases. All persons accused of violating the provisions of this code or other city ordinances shall be tried in the order of their arrest, unless the court is satisfied that the city or any defendant is not ready to proceed in that order. The mayor or recorder shall have the right to continue all cases before them, upon showing of good cause, for a period not longer than seven days. (1979 Code, § 1-602)

3-103. Collection of fines and costs; imprisonment for failure to pay fine. All persons convicted and fined and held in custody for an offense against this code or other city ordinances shall be released upon payment of such fine and costs or upon giving good and sufficient security therefor, payable at the end of thirty days, at the end of which time, unless paid, any duly authorized official having jurisdiction shall issue execution against such offender and his security for the amount of such fine and costs.

Any person who shall fail or neglect to pay or secure such fine shall be committed to the workhouse or other place provided for such offender. (1979 Code, § 1-603)

3-104. Responsibility of officers to obtain security before releasing persons convicted of offenses. Neither the recorder nor any other officer of the city shall release any persons adjudged guilty of violating any of the provisions of this code or other city ordinances and who has been fined therefor, unless such defendant shall first give good and valid security for the same and costs.

All fines and costs lost to the city and all damages resulting from insufficient appearance bonds, arising through the failure of the proper officer to take sufficient or proper security for either or both of the purposes indicated above, shall be charged to the officer causing the same, and shall be taken out of his salary as such official or recovered by proper action before any court having jurisdiction. (1979 Code, § 1-604)

3-105. Power of mayor, recorder, and police to make arrests. The mayor or recorder shall have power equally with the police officers of the city to make arrests where offenses are committed in their presence. Policemen are empowered to make arrests in the following cases: With warrant, whenever such warrant shall come into their hand; without warrant, where an offense is committed in their presence; or, whenever the fact that a misdemeanor has been immediately committed is brought to their notice. (1979 Code, § 1-605)

3-106. Authority of mayor and recorder to punish for contempt. The mayor and recorder shall have power to the same extent as have general

sessions courts under the laws of the state to punish for any contempt of court in the trial of any case before them and in any other case where such power is given to general sessions courts under the laws of the state. (1979 Code, § 1-606)

3-107. Summons--failure to appear or testify. It shall be unlawful for any person to fail to appear or, on appearing, refuse to testify in any case before the mayor or recorder, after being duly summoned by the chief of police or other proper officer. Such person shall also be guilty of a contempt of court, and may be fined therefor in accordance with the general penalty clause of this code. (1979 Code, § 1-607)

3-108. Litigation tax and collection of court costs. Except as otherwise specifically provided in this code or other ordinances of the city, there is hereby levied on all actions arising in city court a local litigation tax, in the maximum amount allowed by state law. The proceeds from the taxes herein levied shall accrue to the general fund of the city. Further, the clerk of the city court shall collect costs of court allowable under the laws of this state in the manner and amount as set forth under the provisions of Tennessee Code Annotated, § 8-21-401, et seq. (As added by Ord. #3001, July 1999)

CHAPTER 2

CITY JUDGE

SECTION

3-201. Term of office.

3-202. Compensation.

3-203. Trial jurisdiction.

3-201. Term of office. The term of the city judge shall be for a period of four (4) years, the original term of which shall expire September 15, 2000. The city judge may be removed from office during a term by the city governing body, but only for good cause. (Ord. #2858, Oct. 1996)

3-202. Compensation. The city judge shall receive compensation for his or her services during each term of office in an amount established by resolution of city council. The compensation, once established, may not be increased or decreased during a term of the city judge's tenure, but may be increased or decreased for a succeeding term. (Ord. #2858, Oct. 1996)

3-203. Trial jurisdiction. The city judge shall have jurisdiction to try violations of the Morristown Municipal Code and other ordinances of this city. He shall keep a record of all fines and costs imposed by him.

He shall have power and authority to impose fines, costs, and forfeitures for violations of the ordinances of this city; to preserve and enforce order in his court and to enforce the collection of all fines, costs, and forfeitures imposed by him.

He shall keep or cause to be kept a court docket embodying complete detailed records of all cases handled by him. (Ord. #2858, Oct. 1996)