

TITLE 3**MUNICIPAL COURT****CHAPTER**

1. TOWN COURT ADMINISTRATION.
2. TOWN JUDGE.
3. TOWN COURT CLERK.
4. TRAFFIC SCHOOL.

CHAPTER 1¹**TOWN COURT ADMINISTRATION²****SECTION**

- 3-101. Establishment of full-time town court.
- 3-102. Maintenance of dockets.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
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- 3-109. Appeals.
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- 3-111. Disturbance of proceedings.
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3-101. Establishment of full-time town court. A full-time town court for the Town of Smyrna, Tennessee is established. The town judge is prohibited from the practice of law or performing any of the functions of attorney or counsel, in any of the courts of this state and shall devote his full working time and attention to the business and affairs of the town court. The town judge and town court clerk shall devote his full working time and attention to the business and affairs of the office of town judge and town court clerk. (Ord. #06-28, May 2006, modified)

¹A schedule of fines, clerk's costs and court costs is of record in the office of the town clerk.

²For other provisions with respect to the town court and town judge see the charter, particularly art. IX.

3-102. Maintenance of dockets. The town court 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 offenses, disposition, penalties and costs imposed and whether collected, and all other information that may be relevant. (1991 Code, § 3-102, modified)

3-103. Issuance of arrest warrants. The town judge and judicial commissioners shall have the power to issue warrants for the arrest of persons charged with violating town ordinances and state crimes committed within the corporate town limits. (1991 Code, § 3-103)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 town 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town 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. (1991 Code, § 3-104)

3-105. Issuance of subpoenas. The town 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. (1991 Code, § 3-105)

3-106. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to a trial and disposition of his case. When an alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court, trial shall be set at such a time when the alleged offender is not incapacitated and is able to appear before the court. (1991 Code, § 3-106)

3-107. Appearance bonds authorized. When the town 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 town court clerk or, in the absence of the town court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. The appearance bond shall be in such

amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. The 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.

When a police officer accepts a bond he shall give a receipt therefor and turn the bond over to the town court clerk within twenty-four (24) hours. (1991 Code, § 3-107)

3-108. Imposition of fines, penalties, and costs. (1) All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.¹ In all cases heard and determined by him, the town judge may tax in the bill of costs the same amounts and for the same times allowed in courts of general sessions for similar work in state cases.

(2) The town court judge is hereby authorized to charge as court costs fees as set forth in the fee schedule and adopted in accordance with the annual budget ordinance to all community service workers assigned to perform community service by the Smyrna Town Court and the Smyrna General Sessions Court to defray the costs of supervision and administration. (1991 Code, § 3-108)

3-109. Appeals. (1) Appeals from municipal court judgments. Any defendant who is dissatisfied with any judgment of the town municipal court against him may, within ten days thereafter, Sundays exclusive, appeal to the circuit court of the county, upon giving and posting a proper appeal bond in the amount of \$250.00 for such person's appearance and the faithful prosecution of the appeal in accordance with Tennessee Code Annotated, §16-18-307 and upon payment of filing fees as assessed by the Rutherford County Circuit Court.

(2) Appeals from general sessions court judgments. Any defendant who is dissatisfied with any judgment of the town court sitting in its capacity as a general sessions court may appeal in accordance with state law. (1991 Code, § 3-109)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town court clerk from violations of town ordinances or from violations of state law, in the form of fines, penalties, costs and

¹Ord. #01-24, Sept. 2001, increases the transportation fee for the transportation of prisoners to and from the Smyrna Town Court to \$35.00.

forfeitures, shall be recorded by him and paid to the Town of Smyrna. At the end of each month the town court clerk shall certify to the town judge and the town manager the town court clerk's accounting for the collection or non-collection of all fines, penalties, costs and forfeitures imposed by the court, both municipal and general sessions dockets during the current month and to date for the current fiscal year. This provision will not affect the payment of statutorily designed fines which are payable to the State of Tennessee. (1991 Code, § 3-110)

3-111. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1991 Code, § 3-111)

3-112. Employees in the judicial and courts departments. All personnel in the Judicial and Courts Departments, except elected officials, are deemed employees of the Town of Smyrna and as such are required to abide by all terms of the Town of Smyrna Employee Handbook, as well as any policies and procedures related to employment with the Town of Smyrna. The town judge and the town court clerk shall act as directors of their respective departments, subject to employment and employee-related decisions being subject to approval by the Town Manager in accordance with the provisions of the Charter of the Town of Smyrna.

3-113. Failure to appear. Any person who fails to appear in town court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a separate civil offense punishable under the general penalty clause of this code. Such a failure to appear would also be punishable as contempt under Tennessee Code Annotated, §29-9-187.

CHAPTER 2**TOWN JUDGE¹****SECTION**

- 3-201. Town judge.
- 3-202. Qualifications and term.
- 3-203. Jurisdiction and powers.
- 3-204. Bail.
- 3-205. Separation of powers.
- 3-206. Popular election of judge(s).
- 3-207. Term; election procedure.
- 3-208. Vacancy.
- 3-209. Compensation.

3-201. Town judge. The officer designated by the charter to handle judicial matters within the town shall preside over the municipal court and shall be known as the town judge. (1991 Code, § 3-201)

3-202. Qualifications and term. The qualifications to be town judge and the term of the town judge shall be as set forth in the charter for the town. (1991 Code, §3-202, modified)

3-203. Jurisdiction and powers. (1) Violation of municipal ordinances. The town 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 the state authorized maximums.

(2) Violation of state laws. The town 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 town.

(3) Costs in trials of offenses against the ordinances of the town shall be provided in accordance with the fee schedule as adopted with the annual budget ordinance. Costs in other matters shall be as established under general laws of the State of Tennessee.

(4) The town judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order,

¹Charter reference

Appointment, election, qualifications, oath, compensation, and restrictions on office of town judge: § 9.02.

Exclusive judge of law and facts: § 9.06.

including the power to punish for contempt by fine or confinement not exceeding the limits provided by general laws. (1991 Code, § 3-203)

3-205. Separation of powers. The town judge shall be the exclusive judge of the law and facts in every case before him and no official or employee of the town shall attempt to influence his decision except through pertinent facts presented in court. (1991 Code, § 3-205)

3-206. Popular election of judge. The popular election of the town judge is hereby chosen as the method of selecting the town judge as set out in the charter of the town, and the town judge shall be popularly elected subject to the provisions to fill any vacancy as provided by the charter. (1991 Code, § 3-206)

3-207. Term; election procedure. The term of office of a town judge shall be eight (8) years, except for any term that may be shorter as provided by the charter. Elections for the town judge shall be held in accordance with the provisions of the charter and in accordance with Article VII, Section 5 of the Tennessee Constitution. (1991 Code, § 3-207)

3-208. Vacancy. A vacancy in the office of town judge shall be filled in accordance with the provisions in the charter. In the temporary absence or inability of a town judge, the court shall make arrangements for a qualified substitute according to the procedures outlined in Tennessee Code Annotated, § 16-15-209, for all general sessions dockets. The court will also appoint a qualified person to adjudicate matters on the municipal court docket until the judge's return. (1991 Code, § 3-208)

3-209. Compensation. The salary and any other benefits relating to the office of all town judges 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 town judge is hereby fixed at a rate of 60% of the salary set for state circuit court judges as of September 1, 2006 provided in Tennessee Code Annotated, § 8-23-103. The salary shall be paid bi-weekly, from the general fund of the town. The town judge shall also receive such benefits as available to Town of Smyrna employees, on the same terms and conditions as available to Town of Smyrna employees, including, but not limited to, any cost of living adjustments paid to all Town of Smyrna employees, insurance benefits, except that long-term disability, short-term disability, and life insurance benefits shall only be available if approved by the town's insurance carrier, retirement plan benefits, and education reimbursement. The town judge shall not receive longevity pay. (Ord. #06-28, May 2006)

CHAPTER 3

TOWN COURT CLERK¹

SECTION

3-301. Election.

3-302. Qualification.

3-303. Oath.

3-304. Duties.

3-305. Compensation.

3-306. Removal.

3-301. Election. The town court clerk shall be elected in accordance with the provisions of the charter. (1991 Code, § 3-301)

3-302. Qualifications. The qualifications to be town court clerk shall be as set forth in the charter. (1991 Code, § 3-302)

3-303. Oath. The town court clerk shall take the oath of office prescribed for clerks of courts of general sessions, as well as the oath required by the charter. (1991 Code, § 3-303)

3-304. Duties. The town court clerk shall have all the powers and duties prescribed for clerks of courts of general sessions by state law. Further, the town court clerk shall serve concurrently as clerk of the municipal court and shall be vested with all the municipal court clerk duties and responsibilities. (1991 Code, § 3-304)

3-305. Compensation. The salary and other benefits relating to the office of the town court clerk shall be established by the town 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 town court clerk is hereby fixed at a rate of 75% of the salary set by the legislature for clerks of general sessions courts in counties with a population of 23,000 to 34,999 as of September 1, 2006 as provided in Tennessee Code Annotated, §8-24-102. The salary shall be paid bi-weekly from the general fund of the town. The town court clerk shall also receive such benefits as available to Town of Smyrna employees, on the same terms and conditions as available to Town of Smyrna employees, including, but not limited to, any cost of living adjustments paid to all Town of Smyrna employees, insurance benefits, except that long-term

¹Charter reference

Election, qualifications, oath and compensation: § 9.03.

disability, short-term disability, and life insurance benefits shall only be available if approved by the Town's insurance carrier, retirement plan benefits, and education reimbursement. The town court clerk shall not receive longevity pay. (1991 Code, § 3-305)

3-306. Removal. The town court clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the town court judge may remove the town court clerk

- (1) Upon conviction of a misdemeanor in office or of a felony.
- (2) For failing to give security required by law or ordinance.
- (3) For failing to pay over public money collected officially.
- (4) For incapacity or misbehavior in office.
- (5) For any other cause to which the penalty of removal is attached by law.

(6) For incompetence or neglect of duty or official misconduct in office.
(Ord 06-28, May 2006)

CHAPTER 4

TRAFFIC SCHOOL

SECTION

- 3-401. Establishment.
- 3-402. Under jurisdiction of town judge.
- 3-403. Required attendance.
- 3-404. Sentencing.
- 3-405. Fees for attendance.

3-401. Establishment. There is hereby established a Smyrna Traffic School whose purpose and function shall be to educate violators of traffic control laws as to the dangers of said violations in an attempt to promote safer driving within the Town of Smyrna. (1991 Code, § 3-401, modified)

3-402. Under jurisdiction of town judge. The Smyrna Traffic School shall be under the jurisdiction of the town judge who shall have the responsibility and duty to establish the program and to regulate the content of said program. (1991 Code, § 3-402, modified)

3-403. Required attendance. The Smyrna Town Judge is hereby granted the authority to require attendance at the Smyrna Traffic School for offenders who, in the sound discretion of the town judge, could benefit from such a program. (1991 Code, § 3-403)

3-404. Sentencing. The Smyrna Town Judge shall have the absolute discretion in determining whether to sentence an offender to the Smyrna Traffic School in lieu of, or in addition to, a fine for violating Smyrna traffic control ordinances. (1991 Code, § 3-404)

3-405. Fees for attendance. Pursuant to the provisions of Tennessee Code Annotated, § 55-10-307, the Town of Smyrna hereby adopts and incorporates herein by reference the provisions of Tennessee Code Annotated, § 55-10-301. Pursuant to the authority granted thereby, fees established by a fee schedule adopted as a part of the budget ordinance shall be assessed to each individual attending a two-hour Smyrna Traffic School program, and to each individual attending a four-hour Smyrna Traffic School program; provided that no one shall be refused admittance for inability to pay, as determined by the town judge. The town judge is hereby granted the authority to determine which Smyrna Traffic School program offenders are required to attend. (Ord. #03-44, Jan. 2004, modified)