

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

1. MUNICIPAL COURT.
2. MUNICIPAL JUDGE.
3. COURT ADMINISTRATION.
4. WARRANTS AND SUBPOENAS.
5. BONDS AND APPEALS.
6. POLICE DEPARTMENT AND MUNICIPAL COURT FINES AND FEES.

CHAPTER 1**MUNICIPAL COURT****SECTION**

3-101. Municipal court created; where and when to be held.

3-101. Municipal court created; where and when to be held. There is hereby created a municipal court for the City of La Vergne. The court shall be held at the city hall or at such other place within the city as the municipal judge may from time to time designate. The court shall be in session no less than one day per month at such hours as may be determined by the municipal judge and may be in session more frequently at such hours and at such places within the city as may be determined by the municipal judge. Court date is initially set for the 2nd, 3rd, and 4th Wednesday each month at 3:00 P.M. and thereafter any change in the schedule of hour, date, or place of session shall be published in a newspaper of general circulation within the city at least seven (7) days prior to the change in the date, hour, or place before becoming effective. (1994 Code, § 3-101)

¹Charter references

City Judge--City Court: § 6-4-301.

CHAPTER 2

MUNICIPAL JUDGE

SECTION

- 3-201. Office of municipal judge established.
- 3-202. Qualifications of judge.
- 3-203. Normal term of office for judge.
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- 3-205. Compensation of judge.
- 3-206. Judicial jurisdiction of municipal judge.
- 3-207. Powers of judge.
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3-201. Office of municipal judge established. There is hereby established the office of municipal judge which shall be appointed by the Board of Mayor and Aldermen of the City of La Vergne. (1994 Code, § 3-201, modified)

3-202. Qualifications of judge. Any person appointed to the office of municipal judge shall be a licensed attorney entitled to practiced in the Courts of the State of Tennessee at time of appointment. Suspension or revocation of the person's license to practice law shall constitute an automatic termination of that person's appointment to office pursuant to this section and a vacancy in the office shall forthwith exist to be filled by appropriate appointment by the board of mayor and aldermen. (1994 Code, § 3-202)

3-203. Normal term of office for judge. The term of office for the municipal judge shall be at the pleasure of the board of mayor and aldermen and the municipal judge shall continue to serve until his successor has been appointed and sworn in. Vacancies in the office created hereby shall be filled by the board of mayor and aldermen. (1994 Code, § 3-203, modified)

3-204. Oath of office for judge. Any person appointed to the office of municipal judge shall, prior to entering upon the duties of the office, take the following oath.

"I _____, solemnly swear to perform and discharge the duties and obligations of Municipal Judge of the City of La Vergne, and to enforce the ordinances of the City of La Vergne and the laws of the State of Tennessee without fear or favor, so help me God." (1994 Code, § 3-204)

3-205. Compensation of judge. The board of mayor and alderman shall prescribe by ordinance the compensation to be paid the municipal judge. All fees derived by the city court shall be paid into the treasury of the city and

are not to be considered a part of the compensation of the municipal judge. (1994 Code, § 3-206)

3-206. Judicial jurisdiction of municipal judge. The municipal judge shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. (1994 Code, § 3-207, modified)

3-207. Powers of judge. The municipal judge shall be subject to the provisions of law and the charter of the city governing the municipal court. The municipal judge may impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances; preserve and enforce order in his court; enforce the collection of all fines, costs, and forfeitures imposed by him. Fines may be paid in installments in such manner as set by the municipal judge. (1994 Code, § 3-208, modified)

3-208. Judge pro-tempore. The board of mayor and aldermen shall appoint a judge pro-tempore to act in the absence or disability of the municipal judge. (1994 Code, § 3-209)

CHAPTER 3

COURT ADMINISTRATION

SECTION

- 3-301. Municipal judge's docket.
- 3-302. Court clerk.
- 3-303. Service of court process.
- 3-304. Trial and disposition of cases.
- 3-305. Imposition and disposition of fines, payment and non-payment.
- 3-306. Court costs.
- 3-307. Contempt of court.
- 3-308. Disposition of weapons found on persons arrested.
- 3-309. Disposition of abandoned and confiscated property.
- 3-310. City litigation tax.
- 3-311. Collection agencies.

3-301. Municipal judge's docket. The municipal judge shall keep or cause to be kept a complete court docket or dockets embodying complete detailed records of all cases handled by him. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed; and all other information which may be relevant. The docket shall also include the information required by Tennessee Code Annotated § 55-10-306 for all violations of traffic charges. (1994 Code, § 3-301)

3-302. Court clerk. The board of mayor and aldermen of the city may appoint a clerk of the municipal court. The salary of the clerk will be determined by the board of mayor and alderman. (1994 Code, § 3-302, modified)

3-303. Service of court process. The codes enforcement officer, any police officer of the city, the court clerk and any other person authorized by state statutes or by city ordinance, are each hereby appointed and designated as officers of the municipal court for the purpose of serving any process, documents, notices, warrant, writs, citations, and other official instruments of and from the municipal court. (1994 Code, § 3-303)

3-304. Trial and disposition of cases. Every person charged with violating a city ordinance within the city shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the municipal 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 in court. (1994 Code, § 3-304)

3-305. Imposition and disposition of fines, payment and non-payment. All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the city court docket in open court. All fines imposed by the municipal judge for violations of city ordinances shall belong to and be paid into the treasury of the city. All payments shall be in accordance with Tennessee Code Annotated, § 40-24-101 through 40-24-105. (1994 Code, § 3-305, modified)

3-306. Court costs. In all cases heard and determined by him, the city judge shall impose court costs in the amount of ninety dollars (\$90.00). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

3-307. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

3-308. Disposition of weapons found on persons arrested. All weapons as defined in § 11-603 of the city code which may be found upon any person arrested or within his possession, shall be seized and turned over to the municipal judge and released to the chief of police and retained by and forfeited to the city, and shall be disposed of in accordance with Tennessee Code Annotated, § 39-17-1317. (1994 Code, § 3-308)

3-309. Disposition of abandoned and confiscated property. The city judge may order the chief of police to seize and take possession of all stolen or abandoned personal property, together with all personal property which the city judge shall order confiscated as the fruits of a crime or used in the commission of such crime. The police department may also take similar possession for a reasonable time until the city judge can be contacted. (1994 Code, § 3-309)

3-310. City litigation tax. On cases in city court there is hereby levied a city litigation tax of thirteen dollars and seventy-five cents (\$13.75). The city litigation taxes levied pursuant to this section are in addition to any other court costs or fees established in this title. (Ord. #2009-13, July 2009, as replaced by Ord. #2011-02, March 2011, and Ord. #2012-26, Dec. 2012)

3-311. Collection agencies. (1) In accordance with Tennessee Code Annotated, § 40-24-105(e), the City of La Vergne is authorized to employ the services of a collection agency to collect fines, court costs and litigation taxes assessed by the municipal court where the fines and costs have not been

collected within sixty (60) days after they were due. Any fees of the collection agency shall be assessed as additional court costs in connection with the city offense. Interest will be collected on each account at a rate of ten percent (10%) per annum, in accordance with Tennessee Code Annotated, § 47-14-121.

(2) Any such contract with a collection agency shall be in writing, and shall include a provision specifying that the collection agency may institute an action to collect fines and costs in a judicial proceeding. The collection agency may be paid an amount approved by the city administrator which does not exceed any statutorily approved fees authorized by Tennessee Code Annotated, § 40-24-105(e).

(3) The contract with such collection agency may also include the collection of unpaid parking fines as provided in Tennessee Code Annotated, § 6-54-513, after the notices required by law are mailed to registered vehicle owners. (as added by Ord. #2011-30, Dec. 2011)

CHAPTER 4

WARRANTS AND SUBPOENAS

SECTION

3-401. Issuance of arrest warrants.

3-402. Issuance of subpoenas.

3-401. Issuance of arrest warrants.¹ The municipal judge may issue warrants for the arrest of persons charged with violating city ordinances within the city. Only one (1) warrant shall be issued for the same offense, the warrant to embrace all the parties charged with the same offense. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony. The affidavit upon which the warrant is issued shall especially state the offense charged. (1994 Code, § 3-401)

3-402. 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. (1994 Code, § 3-402)

¹State law reference

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

CHAPTER 5

BONDS AND APPEALS

SECTION

3-501. Appearance bonds authorized.

3-502. Appeals from municipal court.

3-503. Deposit of C.D.L. or operator's license in lieu of bond.

3-501. Appearance bonds authorized. When the municipal 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 be allowed to post an appearance bond with the municipal 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. Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer and no warrant has been issued or served, he may execute an appearance bond in an amount not exceeding sixty dollars (\$60.00), and file the same with a police desk sergeant, or he may, in lieu of the execution of an appearance bond, deposit a sum not exceeding sixty dollars (\$60.00), with a police desk sergeant and be given a receipt for it, and on the appearance of the person before the city court at the time specified in the receipt the deposit shall be returned to him. On the failure of the person to appear at the time specified, the amount so deposited shall be forfeited to the municipality and he shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, however, that within two (2) days of the imposition of the forfeiture the municipal judge may set aside the conditional judgment imposing the forfeiture when it appears that the failure of the accused to appear and defend his suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture. (1994 Code, § 3-501)

3-502. Appeals from municipal court. Any person dissatisfied with the judgment of the municipal judge in any case or cases heard and determined by the municipal judge, may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the municipal judge for his appearance or the faithful prosecution of the appeal.¹ In prosecutions for the violations of the city ordinances the bond shall not exceed two hundred fifty dollars (\$250.00). The appeal shall not act as a stay or supersedeas of the

¹State law reference

Tennessee Code Annotated, § 27-5-101.

imprisonment of any defendant who fails to pay a fine imposed, unless the defendant executes an appeal bond with solvent, qualified surety in double the amount of fine imposed, and conditioned to appear and prosecute his appeal and pay any fine and costs adjudged against him upon the appeal. Appeals from the judgment of the municipal court for violation of the criminal laws of the State of Tennessee shall be pursuant to the provisions of Rule 5 of the Tennessee Rules of Criminal Procedure. (1994 Code, § 3-502)

3-503. Deposit of C.D.L. or operator's license in lieu of bond.

Pursuant to Tennessee Code Annotated, §§ 55-50-801, et seq., whenever any person lawfully possessed of a C.D.L. or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with the violation of any city ordinance regulating traffic except one which requires mandatory revocation of the license, said person shall have the option of depositing his C.D.L. or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before the court. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (1994 Code, § 3-503)

CHAPTER 6

POLICE DEPARTMENT AND MUNICIPAL COURT FINES AND FEES**SECTION**

3-601. Municipal court fines.

3-602. Additional police department and municipal court fees.

3-601. Municipal court fines. Fines for the La Vergne Municipal Court shall be as follows:

Speeding:

1-10 MPH over speed limit:	\$5.00
11-20 MPH over speed limit:	\$10.00
21+ MPH over speed limit:	\$20.00
All city misdemeanor arrests	\$10.00
Animal control	\$5.00
Anti-noise regulation	\$5.00
Bumper law violation	\$5.00
Careless driving	\$50.00
Child restraint devices	\$50.00
Disregard traffic sign/signal	\$5.00
Failure to yield	\$5.00
Fire lane/hydrant	\$5.00
Failure to use headlights - dark/rain/fog	\$5.00
Failure to give proper signal	\$5.00
Financial responsibility	\$10.00
Handicap parking violation	\$50.00
Helmet or shield	\$5.00
High occupancy vehicle lane violation	\$50.00
Light law violation	\$5.00
Obstructing pedestrian walkway	\$5.00
Parking violations:	
If paid within 14 days	\$10.00
If paid after 14 days	\$20.00
Registration violation	\$5.00
Rules of the road violation	\$5.00
Seat belt violations:	
1st offense	\$10.00
2nd offense	\$20.00
Vehicle equipment violation	\$10.00
Vehicle over 15,000 LBS.	\$5.00
Vehicle losing load	\$10.00
Window tint violation	\$10.00
H.O.V. Lane: A violator of the H.O.V. Lane shall not be fined more than \$50.00, nor more than \$10.00 in court cost. (Ord. #2006-21, Oct. 2006, as amended by Ord. #2009-02, March 2009)	

3-602. Additional police department and municipal court fees.

Additional fees for the La Vergne Police Department and La Vergne Municipal Court shall be as follows:

Obtaining a city warrant	\$30.00
Second and consecutive continuances	\$10.00
Issuing subpoena	\$20.00
Service charge on returned checks	\$25.00
Traffic school	\$100.00

Storage:

All vehicles up to 1 ton capacity (per day)	\$10.00
Vehicles over 1 ton capacity (per day)	\$25.00
Items in evidence room (per day)	\$7.00
Service charge for non-criminal fingerprinting	\$5.00

(Ord. #2006-24, Oct. 2006, as amended by Ord. #2009-14, July 2009, and replaced by Ord. #2014-03, April 2014)