

Chapter 12

CITY COURT¹

- Art. I. In General, §§ 12-1 – 12-35**
Art. II. Clerk, §§ 12-36 -- 12-49
Art. III. City Judges, §§ 12-50 -- 12-59

ARTICLE I. IN GENERAL

Sec. 12-1. Issuance of process.

The city judge shall issue process on the complaint of any person when it appears to the city judge that any provision of this Code or other ordinance of the city or law of the state has been violated. He shall try no case until process has been regularly issued out and served and returned.

(Code 1986, § 12-1)

Sec. 12-2. Prompt trial required.

The city judge shall try and determine all cases which may be brought before him within twenty-four (24) hours after arrest, unless Sunday intervenes.

(Code 1986, § 12-2)

Sec. 12-3. Witnesses to be subpoenaed.

Whenever any person is arrested and brought before the city judge for trial, the city judge shall issue a subpoena for any person in the city who may be requested as a witness in the case.

(Code 1986, § 12-3)

Sec. 12-4. Failure or refusal of witness to appear.

It shall be unlawful for any person in the city, after being duly served with a subpoena, to fail or refuse to appear in the city court and give testimony in a case, unless good cause is shown for such nonattendance.

(Code 1986, § 12-4)

¹ **Charter references** -- Court, fines and imprisonment, Title 4; election of city judges, Title 5, Ch. 3.

Cross references -- Commitment of persons required for nonpayment of fines and costs, § 1-9; administration generally, Ch. 2; city attorney, § 2-41 et seq.; police department, § 16-41 et seq.; police officers not to receive witness fees, § 16-49; motor vehicles and traffic, Ch. 24; offenses and miscellaneous provisions, Ch. 25.

State law reference -- City courts in home-rule municipalities, T.C.A. § 16-17-101 et seq.

Sec. 12-5. Imposition of fine and costs; commitment to workhouse.

The city judge shall, upon conviction, render his judgment against any person violating any provision of this Code or other ordinance of the city, and shall impose the fine and penalties fixed for such violation and, upon a finding that the defendant is financially able to pay the fine and costs, commit the offender to the workhouse until the fine imposed and costs have been paid. (Code 1986, § 12-5)

Sec. 12-6. Judgment to be endorsed on warrant; where papers filed.

The city judge shall in all cases personally endorse his judgment and all orders made by him in a case upon the warrant sued out as provided in section 12-1 of this Code. Such warrant shall then be filed in the office of the clerk of the city court and shall constitute a public record of the city except in cases of appeals, when the city judge shall return the warrant and all subpoenas, affidavits and other papers in the case to the clerk of the county criminal court, as required by law. (Code 1986, § 12-6)

Sec. 12-7. Forfeiture of bond when defendant fails to appear.

In case of the failure of a defendant who has been bonded for his appearance to appear for trial, on the judgment of the city judge his bond shall be declared forfeited to the city and the amount thereof shall be collected by scire facias, judgment and execution. (Code 1986, § 12-7)

Sec. 12-8. Acceptance of security for fine.

The city judge shall determine the sufficiency and kind of security offered to secure any fine imposed by him and he shall be the sole authority to accept such security. (Code 1986, § 12-8)

Sec. 12-9. Abstracts of bonds securing fines.

The city judge shall keep a suitable book, in which he shall enter abstracts of all bonds taken by him to secure fines assessed by him. Each abstract shall show the number and style of the case, the date of the judgment, the amount of the fine secured, the date of the bond, and the name of the security thereon. (Code 1986, § 12-9)

Sec. 12-10. Bonds to be delivered to city finance officer; collection.

The city judge, on the first day of January of each year, and every sixty (60) days thereafter, shall turn over to the city finance officer all bonds and securities of whatever kind, then more than sixty (60) days old, taken by him as security for fines assessed by him for violations of city ordinances, and the city finance officer shall make a complete record thereof

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and deliver such bonds and securities to the city attorney, who shall enforce collection thereon as speedily as possible.

(Code 1986, § 12-10; Ord. No. 9654, § 8, 1-6-92)

Sec. 12-11. Trial docket.

The city judge shall keep a docket, on which he shall enter and preserve the name of every person brought before him and accused of any offense against this Code or any other ordinances of the city or laws of the state. He shall enter on such docket his judgment in every case tried before him in accordance with his endorsement on the warrant issued in such case, the amount of the fine, if any, and the number of days' commitment to the workhouse for nonpayment of the fine, if any.

(Code 1986, § 12-11)

Sec. 12-12. Appeal docket.

The city judge shall keep an appeal docket, on which he shall enter all cases appealed from his court to the county criminal court. Such docket shall show the number and style of each appealed case, the amount of the fine assessed by the city judge, the date of the appeal, the name of the surety on the appeal bond and the names of any material witnesses for the city.

(Code 1986, § 12-12)

Sec. 12-13. Monthly report by judge.

The city judge shall make out and present to the city council each month a statement showing the number of offenders tried by him and fined, the number of persons committed to the workhouse, the period of each commitment and the date of discharge of each person discharged on his order. Such statement shall be sworn to by him.

(Code 1986, § 12-13; Ord. No. 9654, § 2, 1-6-92)

Sec. 12-14. Bail for offenses against city.

Any person arrested for violation of this Code or other city ordinance may be discharged until trial if he deposits with the sergeant on duty at the time of his commitment at police headquarters a sum of money not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), or upon giving such sergeant a good bond of not less than twenty-five dollars (\$25.00) payable to the city as security for his appearance before the city judge for trial. The sergeant shall be governed as to the amount of the security required by the grade of the offense charged and shall in all cases where cash is given as bail furnish a receipt therefor.

(Code 1986, § 12-14)

Sec. 12-15. Professional bondsmen.

(a) The sergeant or other person in charge at police headquarters shall call or permit any person detained therein who is entitled to bail or is in condition to be released to call any person of his choice to make bond for such person. Such sergeant or other person in charge shall

not recommend to any person detained any person engaged in the business of making bonds, but shall let each person determine for himself whom he wants to call or have called for the purpose of arranging bond for him.

(b) It shall be unlawful for any person engaged in the business of making bonds to loiter in or about police headquarters or to solicit any person who is detained by the police department or request any person who is detained to permit such bondsman to make his bond or to solicit any person who is visiting police headquarters to permit him to make bond for anyone who may be detained there. All persons engaged in the business of making appearance bonds shall have a place of business other than in police headquarters or on the premises around such station. Any person engaged in the business of making appearance bonds may leave his card, together with his telephone number, with the sergeant.
(Code 1986, § 12-15)

Sec. 12-16. By whom process to be sued out.

The officer making an arrest, in the event that no other person appears as complainant, shall sue out process against the person arrested and serve the same upon such person before the case is entered upon the city judge's docket for trial.
(Code 1986, § 12-16)

Sec. 12-17. Final settlement for uncollected fines and costs.

At the expiration of his term, the city judge shall furnish the city finance officer with a full list of all unsettled fines and costs remaining unpaid for which bonds and other securities have been taken, and turn over such bonds and securities to the city attorney, to whom they shall be charged, and if found good and collectable, credit shall be given the outgoing city judge therefor. The city attorney shall proceed to collect the same as required by law, remit the proceeds and give a report in detail thereof to the city finance officer.
(Code 1986, § 12-17; Ord. No. 9654, § 8, 1-6-92)

Sec. 12-18. Clerk authorized to establish checking account; purpose; authorized users; required audits, accounting.

(a) The city court clerk is authorized to establish a checking account with a bank qualified to receive deposits of city funds, such account to be used exclusively for the receipt and disbursement of cash appearance bonds received in city court.

(b) All appearance bonds received by the city court clerk, his deputies, the police sergeant on duty, or any other officer authorized to receive appearance bonds for city court, shall be credited to and deposited in the checking account herein authorized. Whenever an individual who has posted an appearance bond in city court is entitled to the return of such bond, the judges of the city court, the city court clerk, and any deputy clerks so authorized by the city court clerk, shall be authorized to draw a check against the checking account for the reimbursement of the bond.

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(c) The checking account herein authorized shall be audited at least once per month by the office of the city finance officer, and the city court clerk shall keep accounts of all bonds received, deposits made, and disbursements drawn against the account.
(Code 1986, § 12-18; Ord. No. 9654, § 8, 1-6-92)

Sec. 12-19. Court officers.

(a) Each city judge is authorized to appoint or employ one (1) or more court officers subject to confirmation by the city council and upon such terms and conditions as may be required by the city council. A court officer so approved by the city council shall likewise be appointed as a special policeman pursuant to section 13.3 of the charter compilation. A court officer who is in attendance while court is in session shall be under the supervision of the presiding city judge and while court is in session all members of the police and fire department attending court shall be subordinate to and obey the instructions of the court officer. When court is not in session, or at times when a court officer is not needed for duty in the courtroom, or when not performing duties under the direction of a city judge all court officers shall then be engaged in serving warrants or other court process. The number of warrants or other court process served by a court officer shall be reported each week by the city court clerk to the city judges, the mayor, and the city finance officer. A court officer shall be an employee of the office of the city court.

(b) A court officer may be discharged, suspended or otherwise disciplined by any city judge.
(Code 1986, § 12-19; Ord. No. 9654, §§ 2 & 8, 1-6-92)

Sec. 12-20. Local litigation tax.

(a) *Imposed; exemption.* As authorized by Tennessee Code Annotated, sections 67-4-401, 67-4-501 and 67-4-601 and 67-4-606 there is levied in all criminal cases instituted in the city court a local litigation tax of five dollars and twenty-five cents (\$5.25). This tax shall be in addition to all other taxes and fees collected by the city court clerk in all criminal cases; provided, this tax shall not apply to any violation relative to the use of a metered parking space, including the forfeiture of an appearance bond or the payment of the penalty or fine prior to the arrest for such violation.

(b) *Collection.* The city court clerk shall collect such litigation tax from all defendants in any criminal case instituted in the city court upon a finding of guilt, plea of guilty, or submission to fine by the city court judge and in the same manner as the city court clerk collects the state litigation tax. The city court clerk shall be liable for the tax imposed by this section.

(c) *Disbursement.* The city court clerk shall disburse all collections under this section for the local litigation tax to the city treasurer for deposit in the general fund of the city.

Sec. 12-21. Court costs.

(a) In all cases tried in the City Court of Chattanooga for the violation of ordinances of said City, costs shall be taxed as follows:

Clerk's Fee	\$ 37.75
Affidavit	4.00
Docketing Fee	2.00
Judgment Fee	5.00
Taxing	1.00
State Privilege Tax	14.75
Fire/Police Fee	5.00
Microfilming	2.00
Data Processing	3.50
Technology Fee	3.00
Officer's cost, arrest	1.00

(b) The following costs shall be taxed as applicable:

Photocopy	\$ 1.00
Facsimile	2.00
Local Litigation (criminal)	5.25
Processing of Release forms	5.00
Service of Process	5.00
Continuance	0.25
Recognizance Bond	0.50
Appeal Bond	0.75
Issuing subpoena for a single witness	0.50
Issuing subpoena for each additional witness	0.10
Mittimus to workhouse	0.25
For each witness summoned	0.50
Continuance requiring officer's attendance	1.00
Foreign Language Translator's Fee	35.00

(Ord. No. 12390, §1, 4-27-10)

(c) The Clerk's fee in the amount of Thirty-Seven Dollars and 75/100 (\$37.75) shall be reduced to Twenty-Seven Dollars and 75/100 (\$27.75) for all violations paid prior to court.

(d) The City is authorized to enter into a written agreement with a collection agency or other third party for assistance with collection of outstanding judgments, fines and costs for a fee in an amount not exceeding forty percent (40%) of the sums collected as consideration for collecting the fines and costs. The collection agency fee shall not be deemed a portion of the judgment entered against a defendant, however, the City is authorized to recover from the Defendant any costs associated with collecting any judgment, fines, and costs.

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(Code 1986, § 12-20; Ord. No. 10573, § 1, 5-27-97; Ord. No. 11175, § 24, 9-11-01; Ord. No. 11434, § 17, 07-14-03; Ord. No. 12135, § 1, 6-3-08; Ord. No. 12390, §1, 4-27-10; Ord. No. 12799, § 1, 02-04-14)

State law reference-Rights of local governments to levy litigation tax, T.C.A. § 67-4-601.

Sec. 12-22. Failure to appear.

Failure of an offender to appear for trial in the City Court after the proper issuance of an ordinance summons shall cause the Court having jurisdiction thereof to issue a warrant against the offender.

State law reference—Failure of offender to appear for trial, T.C.A., § 7- 3-105, 7-63-204.
(Ord. No. 11665, § 1, 01-25-05)

Secs. 12-23 – 12-35. Reserved.

ARTICLE II. CLERK

Sec. 12-36. Supervision; duties, access of finance officer to records, etc.

The clerk of the city court and all other subordinate personnel shall be under the general supervision of the city finance officer relative to the proper keeping and maintaining of records including, but not limited to, docket books, books of account, receipt books, warrants and citations, the handling of money, and the proper method and manner for dealing with the public. The city finance officer or his representative, including the internal audit division, shall have full and complete access at any time to any and all records, papers, documents and files of the office of the city court clerk.

(Code 1986, § 12-36; Ord. No. 9654, § 8, 1-6-92)

Sec. 12-37. Irregularities in records.

If the city finance officer has reason to believe that there exist any irregularities in the records of the city court clerk, he shall forthwith report the same to each of the two (2) city judges, the mayor, and the city attorney; and the city finance officer may for cause suspend or discharge any subordinate personnel of the city court clerk, but he shall report same to the mayor and city council at its next regular meeting.

(Code 1986, § 12-37; Ord. No. 9654, §§ 8 & 38, 1-6-92)

Sec. 12-38. Prerequisites to confirmation.

No person appointed city court clerk by the judge of the first division shall be confined by the city council unless the judge of the second division concurs in such appointment, and unless it appears that such person has the ability to manage, supervise and operate the office of the city court clerk.

(Code 1986, § 12-38; Ord. No. 9654, § 2, 1-6-92)

Sec. 12-39. Personnel.

The city court clerk shall have the duty of employing subordinate personnel, subject to the approval of the city council; and, he shall likewise have the duty of suspending or discharging any subordinate personnel, but he shall report same to the city council at its next regular meeting.

(Code 1986, § 12-39; Ord. No. 9654, § 2, 1-6-92)

Sec. 12-40. Bond.

The city court clerk shall make and file with the city finance officer a corporate fidelity bond in the penal amount of fifty thousand dollars (\$50,000.00) prior to assuming any of his duties. The bond shall not be made or filed until approved as to form and content by the city attorney.

(Code 1986, § 12-40; Ord. No. 9654, § 8, 1-6-92)

Sec. 12-41 -- 12-49. Reserved.

ARTICLE III. CITY JUDGES

Sec. 12-50. City Judges - rate of pay.

The City Judge(s) of the City of Chattanooga shall be paid the same salary as General Sessions Judges of Hamilton County, Tennessee, except that their pensions shall be computed in accordance with the General Pension Plan of the City rather than whatever plan participated in by said General Sessions Judges.

(Ord. No. 10150, § 1, 12-20-94)

Editor's note-Ord. No. 10150, § 2, 12-20-94, reads "...That this ordinance shall be operative, as distinguished from its effective date, on and after April 17, 1995."

Secs. 12-51 -- 12-59. Reserved.