

## TITLE 3

MUNICIPAL COURT

## CHAPTER

1. CITY COURT
2. WORKHOUSE

## SECTION

- 3-101. City Judge.
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**3-101. City judge.** The officer designated by the charter<sup>2</sup> to handle judicial matters within the City of Lebanon shall preside over the city court, and shall be known as the city judge. (1968 code, § 1-501)

**3-102. 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. (1968 code, § 1-502)

**3-103. Issuance of arrest warrants.** The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1968 code, § 1-503)

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<sup>1</sup>Charter references: Particularly Art. X and Art. II, §§ 1(30) and 1(31).

<sup>2</sup>Charter reference: Art. III, § 2.

<sup>3</sup>State law reference

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

**3-104. 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 personally to 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. (1968 code, § 1-504)

**3-105. Issuance of subpoenas.** The city 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. (1968 code, § 1-505)

**3-106. 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. (1968 code, § 1-506)

**3-107. 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 ranking police officer<sup>1</sup> on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1968 code, § 1-507)

**3-108. Imposition of fines, penalties, and costs.** All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. In all cases determined by him, the city judge shall impose court costs in the following amounts when applicable:

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<sup>1</sup>Charter reference: Particularly Art. II, § 1(30).

City court cost	\$85.00
Miscellaneous traffic sink	\$30.00
Officer fee	\$25.00
Gas fee	\$5.00
Data processing fee	\$2.00
City litigation	\$13.75
City fines	\$50.00 maximum
Administrative dismissal fee	\$17.50
Interpreter fee	\$5.00 minimum up to \$50.00 an hour
Continuance fee	\$2.00
Moving violation	\$1.00
State litigation	\$1.00 for parking violations
State litigation	\$13.75 for all other violations
State fines	\$50.00 maximum
Traumatic brain injury fund	\$5.00
Motor vehicle registration	\$10.00
Electronic citation system	\$5.00 *sunsets every 5 years

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in general sessions courts<sup>1</sup> for similar work in state cases. (1968 code, § 1-508, as amended by Ord. #08-3321, April 2008, Ord. #09-3563, July 2009, Ord. #10-3672, July 2010, Ord. 11-3993, November 2011, Ord. #15-4917 April 2015, and Ord. #20-6039 June 2020)

**3-109. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, in accordance with the provisions of the charter, appeal to the next term of the circuit court.<sup>2</sup> (1968 code, § 1-509)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

<sup>2</sup>Charter reference: Art. II, § 1(30).

State law reference

Tennessee Code Annotated, § 27-5-101.

**3-110. 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 finds against the appellant the fine or penalty 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 business in Tennessee or by the principal and one (1) private person who owns real property located within the county. No other type bond shall be acceptable. (1968 code, § 1-510)

**3-111. Expungement.**

(1) The City Court has jurisdiction over the expunction of a conviction for a violation of a municipal ordinance from a person's public record in the municipal court upon the person's petition requesting removal of a public record of a violation of a municipal ordinance

(2) The court may grant the petition if:

- (a) The petition satisfactorily demonstrates to the court that the petitioner merits such relief;
- (b) At the time of the filing of the petition, at least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation; and
- (c) The person has fulfilled all requirements of the judgement imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

(3) An expunction fee of fifty dollars (\$50) shall be charged upon granting of the petition.

(4) "Public record" has the same meaning as in Tennessee Code Annotated § 40-32-101(b). (Added by Ord. # 23-6770, June 20, 2023)

## CHAPTER 2

WORKHOUSE<sup>1</sup>

## SECTION

3-201. City and county jails to be used.

3-202. Inmates to be worked.

3-203. Compensation of inmates.

**3-201. City and county jails to be used.** The city and county jails are hereby designated to be city workhouses. (1968 code, § 1-601)

**3-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed. (1968 code, § 1-602)

**3-203. Compensation of inmates.** Each workhouse inmate shall be allowed such credit toward payment of the fines and costs assessed against him as is provided for in the state statute.<sup>2</sup>

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<sup>1</sup>Charter references: Particularly Art. II, § 1(30), and Art. X, §§ 2 and 4.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 40-24-104.