

ORDINANCE # _____

An Ordinance modifying Title 3, Municipal Court for the Town of Ashland City, Tennessee.

WHEREAS, the City Council has been looking at the feasibility of continuing with General Sessions jurisdiction for Municipal Court;

WHEREAS, the Town of Ashland City has considered the possibility of having a popularly elected clerk if General Session jurisdiction continued;

WHEREAS, the Town of Ashland City has considered the limitation of licensed attorneys that live in the city limits of the Town of Ashland City that would be qualified to run for the position of Municipal Judge if the Town continues to maintain General Sessions jurisdiction.

WHEREAS, the Town of Ashland City has considered that with the change and relocation of a new city hall that there would be an issue of transporting inmates that would need to be addressed if the Town continues to maintain General Sessions jurisdiction.

WHEREAS, the Town of Ashland City had an independent audit of the court's financial records as well as a revenue and expenditure analysis done by the Municipal Technical Advisory Service whereas it was determined that the net income for the Town of Ashland City continues to decrease.

WHEREAS, after much deliberation and considering all relevant factors, the Council for the Town of Ashland City has determined that pursuant to its City Charter, Section 22 that it is in the best interest of the Town to abolish General Sessions concurrent jurisdiction with that of the County court for Cheatham County

NOW THEREFORE, BE IT ORDAINED, by the Council of the Town of Ashland City, Tennessee that Title 3, Chapter 1 shall be deleted in its entirety and replaced as follows:

CITY JUDGE

3-101. Judicial department. Pursuant to the Town's charter and TCA 16-18-101 et seq the Town herein is establishing a municipal court and judicial department. The municipal court and department shall be as follows:

- (1) Number of judges. The Mayor and City Council shall establish the number of persons who shall serve as City Judge which shall be one.
- (2) Qualifications and term. Anyone serving as city judge shall be a licensed attorney in the State of Tennessee and a resident of the State of Tennessee for _____ years and a resident of Cheatham County for _____ year. The Judge shall be _____ of age or older.
- (3) Jurisdiction and powers. (a) The city judge may impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances. (b) The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed. Prior to the passage of this Ordinance, the Judge has had concurrent general sessions jurisdiction.

The Judge shall continue with concurrent General Sessions jurisdiction until all cases cited prior to October 1, 2022, have been adjudicated. Beginning October 1, 2022, all cases cited by the police department with the Town of Ashland City shall be cited to Cheatham County General Sessions Court.

- (4) Separation of powers. The city judge shall be the exclusive judge of the law and facts in every case before him/her and no official or employee of the city shall attempt to influence his/her decision except through pertinent facts presented in court.
- (5) Term/election procedure. Currently, the Judge is an elected position. At the end of the current term of election which will be in 2030, the Judge shall be appointed by the city council to serve at will for a term of _____ years. In the event there is a vacancy in the current elected position of Judge, the City Council shall appoint a replacement to fill the remainder of the term.
- (6) Compensation. The salary and any other benefits relating to the office of the City Judge 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 City Judge is hereby fixed at eleven thousand two-hundred fifty dollars (\$11,250.00) per year. The salary shall be paid monthly from the general fund of the city. The City Judge is not considered an employee of the city and not eligible for benefits.

Date of effect. This ordinance shall take effect 20 days from and after its final passage, the public welfare requiring it.

1st reading _____

Public hearing _____

2nd reading _____

Mayor

City Recorder