

Chapter 5: Recorder's Court

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Chapter 5: Recorder's Court

Sec. 5-101 Scope of Jurisdiction

The recorder's court of this municipality shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid.

Sec. 5-102 Appointment and Term of Judge

The judge of the Recorder's Court shall be appointed by the City Council and shall serve until January meetings of the following year.

Sec. 5-103 Bailiff

The bailiff of the Recorder's Court shall be the Chief of Police unless otherwise appointed by the mayor, by and with the advice and consent of City Council.

The duties of the bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, or assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the Judge of the Court and the City Clerk.

Sec. 5-104 Record of Cases

A record of all cases heard in the recorder's court for violation of this code or other municipal ordinances shall be kept in a suitable bound volume by the city clerk. Such record shall contain: 1) the name of the defendant; 2) the nature of the offense charged; 3) the final disposition of the case; and 4) the date of final disposition.

Sec. 5-105 Service of Summons

Any person charged with violation of any city ordinance shall receive notice by service of a summons as herein provided. Such summons may be issued by the City Administrator, the Building Inspector, or any police officer of the City. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the occurrence of the infraction and the day, hour, and place of trial, requiring the accused to appear before the judge of the Recorder's Court to answer the accusation made. Service of the summons shall be made by a police officer of the City either by serving the accused personally or by leaving a copy at his most notorious place of abode, except that in the case of a summons issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons may be directed to an unknown person such as the owner of an automobile designated in the summons.

Sec. 5-105 Service of Summons (Continued)

and may be served upon such person by leaving a copy in or attached to such automobile.

Sec. 5-106 Subpoenas

The City Clerk shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the recorder's court. All subpoenas shall be served in the same manner as a summons.

Sec. 5-107 Failure to Obey Summons or Subpoena

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for same.

Sec. 5-108 Arrest and Bond

When a police officer has arrested any person for violation of any provision of this code or any municipal ordinance and a trial cannot be had immediately, the officer may take a cash bond not exceeding the maximum fine for the offense or a bond with a good security to secure the appearance of such person before the Judge of the Recorder's Court. If such person fails or refuses to give a bond, the officer may confine him or her in the city or county jail until a trial can be held, provided that the Mayor in his discretion may release such person on his own recognizance without security.

Sec. 5-109 Forfeiture of Bond

Upon the failure of a person to appear in the Recorder's Court at the time and place fixed by the summons, the judge of said court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety bond, shall pass on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein which date shall not be less than ten (10) days from the passage of such ruling, why they should not be required to pay the amount of said bond. If no sufficient cause is shown, the judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the City Clerk to issue execution thereon.

Sec. 5-110 Court Costs

The court costs which shall be charged against a defendant in the recorder's court in the event of his conviction shall not exceed \$5.00, which sum shall be paid into the City Treasury.

Sec. 5-111 Malicious Prosecution

Whenever the judge of the Recorder's Court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.

Sec. 5-112 Collection of Fines

When directed by the judge of the Recorder's Court, the City Clerk shall issue executions for fines imposed by said court, including the costs, which executions may be levied upon any good or chattels, lands, or tenements of the person so fined.

Sec. 5-113 Appeal

Appeals from decisions of the Recorder's Court shall be taken to the Superior Court or State court of the county in the manner provided for appeals from the Court of Probate.