

ARTICLE ____ - CONSOLIDATED GENERAL SESSIONS COURT

§ ____ Created; Divisions.

There is hereby created and established a Consolidated General Sessions Court in and for the County of Montgomery, which shall consist of four divisions thereof, each of which will be designated as a Consolidated General Sessions Court of Clarksville and Montgomery County. The legislative body shall have the power to create such additional divisions of the Consolidated General Sessions Court as it deems necessary from time to time by appropriate ordinance and in coordination with the laws of the State of Tennessee.

§ ____ Jurisdiction and Authority.

The Consolidated General Sessions Court shall have all of the jurisdiction, powers, duties and authority now and hereafter conferred by general law upon Courts of General Sessions and all jurisdiction, powers, duties and authorities now conferred by any private acts already existing which apply to the Montgomery County General Sessions Court prior to the adoption of this Charter. It is the express intent of this Charter to preserve and continue the jurisdiction of the General Sessions Court and its divisions, now in existence in Montgomery County, as it existed prior to the effective date of this Charter. The Consolidated General Sessions Court shall have jurisdiction and full authority to try cases and impose fines and penalties and assess costs pertaining to and arising from violations of ordinances pertaining to or occurring within both the General Services District and also the Urban Services District of the Consolidated Government, except as hereinafter provided with regard to the continuation of the Municipal Court. It is the declared intent of this Charter that any ordinance applicable to either district, or any Special Services District which may be created in the future, or any ordinance pertaining to all districts, shall be fully applicable to and fall within the jurisdiction of the Consolidated General Sessions Court, consistent with general law, except that prior to the consolidation of the Municipal Court with the General Sessions Court as hereinafter provided, the violation of urban ordinances shall continue to be within the exclusive jurisdiction of the Municipal Court, and all fines and costs therefrom shall accrue to the general fund of the Urban Services District.

All fines and costs resulting from the violation of ordinances applicable to the entire General Services District which are tried by the Consolidated General Sessions Court shall accrue to the general fund of the General Services District. After the consolidation of the Municipal Court with the General Sessions Court, the jurisdiction of the Consolidated General Sessions Court shall extend to violations of ordinances pertaining to the Urban Services District, the fines and costs of which shall continue to accrue to the general fund of the Consolidated Government.

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§ _____ Municipal Court.

The Municipal Court of the City of Clarksville, as provided for by private act and established under the Charter of the City of Clarksville, shall continue to exist and will be unaffected by the consolidation of government provided by this Charter for the balance of the term of the judge then incumbent on the effective date of this Charter. During such continuation of the Municipal Court, it will continue its jurisdiction to try cases and impose fines and assess costs pertaining to violations of ordinances applicable to the Urban Services District. Upon the expiration of the term of the incumbent judge, and in no event later than December 31, 2020, the Municipal Court will be consolidated with the Consolidated General Sessions Court, unless continued by the legislative body for an indefinite period, as provided for and in strict compliance with the provisions of Tennessee Code Annotated Section 7-3-311(c).

In the event the Municipal Court is thereby continued, the salary of the judge and the clerk thereof for the additional term shall be set by the legislative body in an amount determined solely by the legislative body prior to the commencement of such additional term. During the continuation of the office of Municipal Court Clerk, the legislative body shall have the authority to employ the Clerk and to dismiss him or her for reasonable cause satisfactory to the legislative body. The salary of the Municipal Court Judge and Clerk for any period of time that the Municipal Court exists beyond the effective date of this Charter shall be paid out of the general fund of the Urban Services District.

In the event the incumbent Municipal Court Judge should die, resign or vacate his office for any reason during his term but after the effective date of this Charter, the Municipal Court and the clerkship thereof shall cease to exist and the jurisdiction thereof shall be transferred in accordance with the following paragraph.

Upon the ultimate consolidation of the Municipal Court with the Consolidated General Sessions Court, the Consolidated General Sessions Court shall have jurisdiction throughout the entire General Services District, including the Urban Services District. Upon the consolidation of the Municipal Court with the Consolidated General Sessions Court, the position of Municipal Court Clerk shall then terminate and be abolished and the duties and responsibilities of that position shall vest in the Consolidated General Sessions Court Clerk on the date of consolidation. Prior to the consolidation of the Municipal Court with the Consolidated General Sessions Court, the position of Municipal Court Clerk shall continue in existence and shall have the responsibilities and duties of that office that exist on the date that this Charter takes effect. Upon consolidation of the Municipal Court with the Consolidated General Sessions Court, the Clerk and its employees shall be entitled to be transferred to the office of Circuit Court Clerk.

§ _____ Continuation of Juvenile Court.

The Juvenile Court for Montgomery County, now vested within the jurisdiction of the General Sessions Court of Montgomery County, and its several divisions, is hereby recognized as a Court of the Consolidated Government of Clarksville and Montgomery County. Said Juvenile Court is hereby provided for and continued, with all rights, duties, powers, obligations, privileges and responsibilities as set forth in any private act applicable thereto, and any acts

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amendatory thereof, as well as general law. It is the intent of this Charter to continue, unaffected, the jurisdiction, duties and power of the Juvenile Court of Montgomery County, with full authority of the existing Juvenile Court to continue its jurisdiction consistent with existing law. The jurisdiction of the Consolidated General Sessions Court for Clarksville and Montgomery County shall not extend to matters over which the Juvenile Court shall have been given exclusive jurisdiction by the statutes of the State of Tennessee or any other applicable law.

The legislative body shall have the power to establish, by appropriate ordinance consistent with law, a separate Juvenile Court apart from the Consolidated General Sessions Court or to create one or more juvenile courts as a separate division of the Consolidated General Sessions Court. It is the intent of this Charter to empower the legislative body with complete authority, consistent with other applicable law, to add to, reduce, change, separate or otherwise restructure the juvenile and Consolidated General Sessions Courts and the divisions thereof which the legislative body deems judicious and necessary to provide for the efficient operation of said courts of the Consolidated Government, but in no event shall the jurisdiction of any of such courts be altered by such ordinance.

§ _____ Chancery and Circuit Courts.

This Charter shall have no effect upon the Chancery or Circuit Courts established for or functioning in Clarksville/Montgomery County upon the effective date of this Charter.

§ _____ Circuit Court Clerk.

The Clerk of the Circuit Court shall also serve as Clerk of the General Sessions Court, Clerk of the Juvenile Court, and Clerk of such other Courts of county-wide jurisdiction as may in the future be established, with the exception of the Chancery Court.