

**TITLE 3****MUNICIPAL COURT****CHAPTER**

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

**CHAPTER 1****CITY JUDGE<sup>1</sup>****SECTION**

3-101. City judge.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the town shall preside over the city court and shall be known as the city judge. The city judge shall receive such monthly salary as shall be provided by ordinance of the town council, in lieu of court costs, for the satisfactory performance of his duties. (1989 Code, § 1-701)

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<sup>1</sup>Charter references

Compensation: § 8a.

Powers and duties: § 8a.

Qualifications: § 8a.

Term of office: § 8a.

Vacancy in office: § 8a.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. Drug fund.

**3-201. Maintenance of docket.** The court clerk<sup>1</sup> shall keep a complete docket of all matters coming before the city judge sitting in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1989 Code, § 1-702)

**3-202. Imposition of fines and costs.** All fines and costs shall be imposed and recorded by the court clerk on the city court docket in open court.

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 courts of general sessions<sup>2</sup> for similar work in state cases and shall cause the court clerk to remit said costs to the town council. (1989 Code, § 1-708)

**3-203. Disposition and report of fines and costs.** All funds coming into the hands of the city court clerk in the form of fines costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the town council a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1989 Code, § 1-711)

**3-204. 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. (1989 Code, § 1-712)

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<sup>1</sup>Charter reference: § 14a.

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 8-21-401.

**3-205. Trial and disposition of cases.** Every person charged with violating a municipal 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. (1989 Code, § 1-706)

**3-206. Drug fund.** (1) Credits and deposits. All money received from the sale of automobiles, cash, and other personal property seized and forfeited due to criminal activity be deposited into the Town of Oliver Springs Drug Fund.

(2) Debits and withdrawals. All expenses arising out of the seizure, storage, preservation, maintenance, and sale of automobiles, money, and other personal property seized and forfeited due to criminal activity, including but not limited to the towing fees on seized vehicles, shall be collected and paid from the Town of Oliver Springs Drug Fund.

(3) Acceptable accounting practices to be followed. All such deposits and payments and debits and credits, shall be transacted with all appropriate and reasonable documentation necessary, reasonable, proper, and required by reasonably accepted and published accounting practices as these relate to municipal corporation and governmental entity accounting. (as added by Ord. #10-05-20, May 2010)

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

**3-301. Issuance of arrest warrants.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1989 Code, § 1-703)

**3-302. 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 to personally 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. (1989 Code, § 1-704)

**3-303. 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. (1989 Code, § 1-705)

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<sup>1</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

**3-401. 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 on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1989 Code, § 1-707)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the Roane County circuit court upon posting a proper appeal bond.<sup>1</sup> (1989 Code, § 1-709)

**3-403. 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 shall find against the appellant the fine 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 two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1989 Code, § 1-710)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.