

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER**

1. TOWN ATTORNEY.
2. TOWN COURT.
3. COURT ADMINISTRATION.
4. WARRANTS, SUMMONSES AND SUBPOENAS
5. BONDS AND APPEALS.

**CHAPTER 1****TOWN ATTORNEY****SECTION**

- 3-101. General duties.
- 3-102. Employment of additional counsel.
- 3-103. Incompetence of town attorney.
- 3-104. Examination of ordinances.

**3-101. General duties.** It shall be the duty of the town attorney to represent the corporation in all suits in which it may be engaged or concerned in any of the courts of the town or state; to give legal advise and written opinions to any of the officers of the town in such matters as touch the interests of the corporation, when requested to do so by the board of commissioners or by the mayor; and to perform such other services as are incident to the office. He shall attend all meetings of the board of commissioners when requested to do so by the mayor. (1990 Code, § 1-401)

**3-102. Employment of additional counsel.** In all suits by or against the corporation in which a large amount of money or an important principle is involved, the mayor may, if he deems necessary, employ additional counsel, and agree to pay a reasonable fee for the same. (1990 Code, § 1-402)

**3-103. Incompetence of town attorney.** When the town attorney is incompetent by reason of interest or otherwise to represent the town in any matter, the board of commissioners shall have power to employ another attorney

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<sup>1</sup>Charter references

For charter provisions relating to the town attorney, see particularly § 3.04.

to represent the town, and it shall contract in advance to pay only such fee as is reasonable for the services such attorney may render. (1990 Code, § 1-403)

**3-104. Examination of ordinances.** It shall be the duty of the town attorney to examine all ordinances considered by the board of commissioners at any time he may be called upon so to do by any member of the board, and when requested he shall give an opinion as to the validity of such ordinances. (1990 Code, § 1-404)

**CHAPTER 2**  
**TOWN COURT**<sup>1</sup>

**SECTION**

3-201. Town judge.

3-202. Jurisdiction.

**3-201. Town judge.** As provided in section 3.05 of the town's charter, the recorder shall handle judicial matters within the town, shall preside over the town court, and shall be known in his judicial capacity as the town judge. (1990 Code, § 1-601)

**3-202. Jurisdiction.** The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying civil penalty under the general penalty provision of this code.

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<sup>1</sup>Charter reference

See particularly section 3.05 of the charter.

## CHAPTER 3

### COURT ADMINISTRATION

#### SECTION

3-301. Maintenance of docket.

3-302. Imposition of penalties and costs.

3-303. Disposition and report of penalties and costs.

3-304. Disturbance of proceedings.

**3-301. Maintenance of docket.** The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (1990 Code, § 1-602, modified)

**3-302. Imposition of penalties and costs.** All penalties and costs shall be imposed and recorded by the town judge on the town court docket in open court.

In all cases heard or determined by him, the town judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (1990 Code, § 1-608)

**3-303. Disposition and report of penalties and costs.** All funds coming into the hands of the town judge in the form of penalties, 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 board of mayor and aldermen a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year. (1990 Code, § 1-611)

**3-304. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1990 Code, § 1-612)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

## CHAPTER 4

**WARRANTS, SUMMONSES AND SUBPOENAS****SECTION**

3-401. Issuance of arrest warrants.

3-402. Issuance of summonses.

3-403. Issuance of subpoenas.

**3-401. Issuance of arrest warrants.**<sup>1</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1990 Code, § 1-603)

**3-402. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the town 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 town 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town 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. (1990 Code, § 1-604)

**3-403. Issuance of subpoenas.** The town 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. (1990 Code, § 1-605)

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<sup>1</sup>State law reference

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

## CHAPTER 5

### BONDS AND APPEALS

#### SECTION

3-501. Appearance bonds authorized.

3-502. Appeals.

3-503. Bond amounts, conditions, and forms.

**3-501. Appearance bonds authorized.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the town court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (1990 Code, § 1-607, modified)

**3-502. Appeals.** Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days<sup>1</sup> next after such

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1990 Code, § 1-609)

**3-503. Bond amounts, conditions, and forms.** (1) Appearance bond.

An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place.

(2) Appeal bond. 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 or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties.

(3) Form of bond. 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 within the county.

(4) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency. (1990 Code, § 1-610, modified)