

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The city court shall be presided over by a city judge appointed by the board of commissioners. (1978 Code, § 1-501)

¹Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Designation of city recorder as clerk of the municipal court.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-206. Court costs.

3-201. Maintenance of docket. The city 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; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1978 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1978 Code, § 1-508)

3-203. Designation of city recorder as clerk of the municipal court. (1) Pursuant to the provisions of Chapter 914 of the Public Acts of 2004 requiring designation of clerks of municipal courts, the person who serves as City Recorder of the City of Charleston shall also serve as the clerk of the municipal court of the City of Charleston.

(2) The clerk of the municipal court shall maintain an adequate and detailed record and summary report of all financial transactions and affairs of the court. The record and report shall accurately reflect all disposed cases, assessments, collections, suspensions, waivers, and transmittals of litigation taxes, court costs, forfeitures, fines, fees, and any other receipts and disbursements. (1978 Code, § 1-511, as replaced by Ord. #2005-____, March 2005)

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. (1978 Code, § 1-512)

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. (1978 Code, § 1-505)

3-206. Court costs. (1) Court costs for all non-parking offenses shall be ninety dollars (\$90.00).

(2) No court costs shall be assessed or collected in parking cases.

(3) **Litigation tax.** In all non-parking cases where a person charged appears in court and the case is tried and said person is found guilty, an additional state litigation tax of thirteen dollars and seventy-five cents (\$13.75) shall be collected. In all parking cases, even when the offender does not appear, a state litigation tax of one dollar (\$1.00) shall be collected. These amounts are in addition to any applicable court costs. (as added by Ord. #2005-____, March 2005)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1978 Code, § 1-503)

3-302. 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. (1978 Code, § 1-504)

¹State 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.

3-404. Deposit of operator's or chauffeur's license in lieu of bond.

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. (1978 Code, § 1-506)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days (Sundays exclusive)¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1978 Code, § 1-509)

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, not exceeding fifty dollars (\$50.00),² 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. (1978 Code, § 1-510)

¹State law reference
Tennessee Code Annotated, § 6-21-508.

²State law reference
Tennessee Code Annotated, § 6-21-505.

3-404. Deposit of operator's or chauffeur's license in lieu of bond.¹

Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the department of safety of the State of Tennessee is issued a citation or arrested and charged with the violation of a traffic ordinance of the City of Charleston, except those ordinances which call for mandatory revocation of the operator's or chauffeur's license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license issued to him by the department of safety of the State of Tennessee with the arresting officer or with the clerk of the court in lieu of any other security required for his appearance in city court in answer to any such charge before the city court.

Whenever any person hereof deposits his chauffeur's or operator's license as provided herein, either the officer or the clerk of the court, as herein above described, shall issue said person a receipt for said license upon a form approved or provided by the department of safety of the State of Tennessee. (1978 Code, § 1-507)

¹State law reference

Tennessee Code Annotated, §§ 55-7-801--55-7-805.