

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.
- 3-102. Authority to appoint.
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3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1968 Code, § 1-501)

3-102. Authority to appoint. Pursuant to Tennessee Code Annotated, § 16-18-101 et seq., the board of mayor and aldermen of the Town of Cumberland City shall have the authority to appoint a city judge. (Ord. #___, April 1988)

3-103. Powers. The city judge shall be vested with the judicial powers and functions of the mayor and of the city recorder and shall be subject to the provisions of law and the town charter governing the mayor's court, or the city court presided over by the mayor or city recorder. (Ord. #___, April 1988)

¹Charter references

City Judge--City Court: § 6-4-301.

3-104. Qualifications and requirements. The city judge shall be thirty (30) years of age, and shall be a resident of Stewart, Houston or Montgomery Counties. He shall have sufficient education to interpret the laws of the city, county or state as set forth in writing. If the city judge for any reason removes his residence from Stewart, Houston or Montgomery County to any other county, he shall automatically vacate his office as city judge. (Ord. #___, April 1988)

3-105. Appointment. The city judge shall be appointed by, and serve at the pleasure of, the board of mayor and aldermen, except that he shall be appointed for a term of four (4) years from his appointment or until the next regular town election, whichever period is shorter, and until his successor is appointed and qualified. (Ord. #___, April 1988)

3-106. Vacancies in office. Vacancies in the office of the city judge shall be filled by the board of mayor and aldermen. (Ord. #___, April 1988)

3-107. Oath. The city judge shall, before entering upon the duties of his office, take an oath or affirmation, before a judge of the circuit court or chancellor, as follows:

"I, A.B., solemnly swear that I will support the Constitution of the United States and of the State of Tennessee and the Ordinances of the Town of Cumberland City, and that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a judge to the best of my abilities."
(Ord. #___, April 1988)

3-108. Compensation. The compensation of the city judge shall be such as from time to time be fixed by the board of mayor and aldermen, but the salary shall not be altered during the term for which he is appointed. (Ord. #___, April 1988)

3-109. Bond required. Before assuming his duties, the city judge shall execute a bond in a surety company acceptable to the board of mayor and aldermen in the amount of \$10,000.00, conditioned upon his faithful account of all funds coming into his hands as city judge. The bond shall be paid for by the Town of Cumberland City. (Ord. #___, April 1988)

3-110. Absence or disability. During the absence or disability of the city judge, the Town of Cumberland City shall appoint a city judge pro tem to serve until the city judge returns to his duties. The judge pro tem shall have all the qualifications required to the city judge under this chapter and shall take

the same oath of office, and shall have all authorities and powers of the city judge. (Ord. #___, April 1988)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

3-203. Disposition and report of fines, penalties, and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city clerk 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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1968 Code, § 1-502, modified)

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.

There is hereby levied a flat fifty dollar (\$50.00) court cost in addition to any fines or penalties imposed on a defendant in all cases where said defendant is charged with the violation of a city ordinance and found guilty whether by trial, submission, or plea of guilty. Such fifty dollars (\$50.00) shall include all costs due the city in connection with the case, including the officer's fee, issuance of the warrant, entry on the docket, and all matters pertaining to said case, and shall be paid by the defendant. Where applicable, State Litigation Taxes shall be charged to the defendant in addition to the standard court costs. (1968 Code, § 1-508, as amended by Ord. #2000-02, June 2000, as amended by Ord. #2005-05, Dec. 2005)

3-203. Disposition and report of fines, penalties, and costs. All funds received in the form of fines, penalties, costs, and forfeitures shall be received and recorded by the city clerk and paid to the municipality daily. (1968 Code, § 1-511, modified)

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. (1968 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. (1968 Code, § 1-506)

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.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1968 Code, § 1-503)

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. (1968 Code, § 1-504)

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. (1968 Code, § 1-505)

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.

3-401. 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. (1968 Code, § 1-507)

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 circuit court upon posting a proper appeal bond.¹ (1968 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 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. (1968 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.