

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

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

**CHAPTER 1****TOWN JUDGE****SECTION**

- 3-101. Appointment.
- 3-102. Powers and functions.
- 3-103. Qualifications.
- 3-104. Vacancies.
- 3-105. Oath of office.
- 3-106. Compensation.
- 3-107. Bond.
- 3-108. Absence or disability.

**3-101. Appointment.** The Board of mayor and aldermen of the Town of Cumberland Gap shall appoint the town judge in accordance with § 10 of the charter. (Ord. #A, Jan. 1999, modified, and amended by Ord. #11-2013, Jan. 2014)

**3-102. Powers and functions.** The town judge shall be vested with the judicial powers and functions provided in § 10 of the charter. (Ord. #A, Jan. 1999, modified)

**3-103. Qualifications.** The town judge shall be 21 years of age, and duly licensed to practice law in the State of Tennessee. (Ord. #A, Jan. 1999, as amended by Ord. #6-2007, Dec. 2007)

**3-104. Vacancies.** Vacancies in the office of the city judge shall be filled by the board of mayor and aldermen. (Ord. #A, Jan. 1999, as amended by Ord. #11-2013, Jan. 2014)

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<sup>1</sup>Charter references  
Town court: § 10.

**3-105. Oath of office.** The town judge shall, before entering upon the duties of his office, take an oath or affirmation, before anyone in Tennessee authorized to administer oaths, as follows:

I, \_\_\_\_\_, 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 Gap, and that I will administer justice without respect to persons' race, color, creed, condition or status, and afford equal rights to the poor and the rich, and that I will faithfully and impartially discharge, to the best of my ability, all the duties incumbent upon me as a town judge. (Ord. #A, Jan. 1999)

**3-106. Compensation.** The compensation of the town judge shall be as set by the board of mayor and aldermen by ordinance. (Ord. #A, Jan. 1999, modified, and amended by Ord. #11-2013, Jan. 2014)

**3-107. Bond.** Before assuming his or her duties, the town judge shall execute a surety bond acceptable to the board of mayor and aldermen in the amount of twenty-five thousand dollars (\$25,000.00), conditioned upon his or her faithful account of all funds coming into his or her hands as town judge. The cost of the bond shall be paid by the town. (Ord. #A, Jan. 1999, as amended by Ord. #11-2013, Jan. 2014)

**3-108. Absence or disability.** During the absence or disability of the town judge lasting more than 90 days, the board of mayor and aldermen shall appoint a town judge pro tem to serve until the town judge returns to his or her duties. The town judge pro tem shall have all the qualifications of the town judge under this chapter and shall take the same oath of office, and shall have all the authority and power of the town judge. (Ord. #A, Jan. 1999, as amended by Ord. #11-2013, Jan. 2014)

## 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.
- 3-206. Court costs.

**3-201. Maintenance of docket.** The recorder shall keep a complete docket of all matters coming before the town judge 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. (1979 Code, § 1-502, modified)

**3-202. Imposition of fines, penalties, and costs.** All fines, penalties and costs shall be imposed by the town judge and recorded by the recorder 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. (1979 Code, § 1-508, modified)

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by the recorder 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 non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1979 Code, § 1-511, modified, and amended by Ord. #11-2013, Jan. 2014)

**3-204. 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. (1979 Code, § 1-512, modified)

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<sup>1</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 town court is in session or the town 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. (1979 Code, § 1-506, modified)

**3-206. Court costs.** The court costs to be used by the city judge in assessing the bill of costs in cases in the city court shall be \$100.00, plus the \$13.75 state litigation tax. Such court costs shall be in addition to any special court costs that may be assessed under the provisions of the municipal charter. (as added by Ord. #11-2005, Dec. 2005)

## 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 town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1979 Code, § 1-503, modified)

**3-302. 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 to personally 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 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. (1979 Code, § 1-504, modified)

**3-303. 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. (1979 Code, § 1-505, modified)

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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 town 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 town 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. (1979 Code, § 1-507, modified)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1979 Code, § 1-509, modified)

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

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. (1979 Code, § 1-510, modified)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.