

## TITLE 3

### MUNICIPAL COURT

#### CHAPTER

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

#### CHAPTER 1

#### TOWN JUDGE<sup>1</sup>

#### SECTION

- 3-101. Town judge.  
 3-102. Qualifications; appointment; compensation; etc.

**3-101. Town judge.** The officer designated by the charter to handle judicial matters within the Town of Englewood shall preside over the town court and shall be known as the town judge. (1997 Code, § 3-101, modified)

**3-102. Qualifications; appointment; compensation; etc.**

(1) (a) The town judge for the Town of Englewood shall be thirty (30) years of age, licensed in the State of Tennessee to practice law, and shall be a resident of McMinn County. In the event he removes his residency from McMinn County he shall automatically vacate his or her office.

(b) The town judge shall be appointed by the board of commissioners at the first regular meeting in September following the regular town election in August of each even numbered year and shall serve until the first regular meeting in September following the next general town election or until his successor is appointed and has taken his oath of office. The town judge shall be eligible for reappointment.

(c) Vacancies in the office of town judge shall be filled by the mayor and board of commissioners.

(d) The compensation of the town judge shall be two hundred fifty dollars (\$250.00) per month.

(e) During the absence or disability of the town judge, the mayor and board of commissioners may appoint a town judge pro tem to

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<sup>1</sup>Charter reference  
 Town judge: art. XII.

serve until the town judge returns to his duties. The judge pro tem shall have all the qualifications required of the town judge under this section, and shall have all the authorities and powers of the town judge.

(2) The town judge and shall have jurisdiction only over violations of municipal ordinances. (1997 Code, § 3-102, modified)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

3-203. Disposition and report of fins and costs.

3-204. Contempt of court.

3-205. Trial and disposition of cases.

3-206. Administrative fees/court costs.

**3-201. 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; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1997 Code, § 3-201)

**3-202. Imposition of fines and costs.** All fines and costs shall be imposed and recorded by the town judge on the town court docket in open court. (1997 Code, § 3-202, modified)

**3-203. Disposition and report of fines and costs.** All funds coming into the hands of the town judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the Town of Englewood. At the end of each month he shall submit to the board of commissioners 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. (1997 Code, § 3-203)

**3-204. Contempt of court.** Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

**3-205. Trial and disposition of cases.** Every person charged with violating an ordinance of the Town of Englewood 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. (1997 Code, § 3-205)

**3-206. Administrative fees/court costs.** The court costs to be used by the town judge in assessing the bill of costs in cases in the city court shall be one hundred thirty dollars (\$130.00), including the 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. (1997 Code, § 3-206, as amended by Ord. #2008-02-11-89, Feb. 2008, and replaced by Ord. #08-09-10-54, Aug. 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 town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1997 Code, § 3-301)

**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. (1997 Code, § 3-302)

**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. (1997 Code, § 3-303)

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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. (1997 Code, § 3-401)

**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 appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1997 Code, § 3-402)

**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. (1997 Code, § 3-403)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.