

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

TOWN JUDGE

SECTION

3-101. Town judge.

3-101. Town judge. (1) Appointment and term. There shall be a town judge who shall handle judicial matters within the town. The town judge shall be appointed by the board of commissioners. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled by the board of commissioners.

(2) Temporary town judge. In the event the town judge is either absent or unable to act, or is disqualified from sitting in any particular case, the town judge is hereby authorized to appoint a temporary judge to act during the absence, inability to act or disqualification. The board of commissioners shall appoint a temporary judge should the absence exceed two (2) consecutive sessions of the town court. The temporary town judge shall have all the qualifications required, and powers, of the town judge. (as amended by Ord. #1997-8, Jan. 1998)

¹Charter references

Municipal court, town judge: Sec. 18.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Maintaining the court.

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

3-204. Disturbance of proceedings.

3-205. Failure to appear.

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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant.

3-202. Maintaining the court. (1) Court costs are designed to offset the cost of maintaining the court. There will be uniform court cost for all charges.

(2) The town judge is authorized to assess a fine not to exceed fifty dollars (\$50.00) in addition to the court cost.

(3) The court cost is set at one hundred forty-four dollars (\$144.00) per citation.

(4) The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code; any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as replaced by Ord. #2008-15, Dec. 2008)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the municipal town court in the form of fines, penalties, costs, and forfeitures shall be recorded by the court clerk and paid over daily to the town. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

3-205. Failure to appear.¹ Failure of an offender to appear for trial in the town court after the proper issuance of an ordinance summons shall cause a FTA judgment not to exceed fifty dollars (\$50.00) against the offender in addition to court cost. (as added by Ord. #2010-05, Jan. 2011)

¹State law reference

Tennessee Code Annotated, §§ 7-63-105; 7-63-204.

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 town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

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 personally to appear before the municipal 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 municipal 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.

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.

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 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 municipal court clerk, or in the absence of the municipal court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs.

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the municipal 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 municipal court at the stated time and place. An appeal bond in any case shall be in such sum as the town judge shall prescribe, not to exceed 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. 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. No other type bond shall be acceptable.

¹State law reference

Tennessee Code Annotated, section 27-5-101.