

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

MUNICIPAL JUDGE

SECTION

- 3-101. Creation of office.
- 3-102. Powers and functions.
- 3-103. Age requirement.
- 3-104. Appointment.
- 3-105. Vacancies; term of office.
- 3-106. Bond; oath of office.
- 3-107. Cost of bond.
- 3-108. Salary.
- 3-109. Absence or disability of judge.

3-101. Creation of office. There is hereby created the office of municipal judge.
(Adopted 12/02/1986)

3-102. Powers and functions. The municipal judge is hereby vested with the judicial powers and functions of the mayor and/or city recorder of the municipality, and shall be subject to the provisions of law and the municipality's charter governing the mayor's court or the municipal court presided over by the mayor or city recorder.
(Adopted 12/02/1986)

3-103. Age requirement. The municipal judge shall be twenty-five years of age or older.
(Adopted 12/02/1986)

3-104. Appointment. The municipal judge shall be appointed by the board of mayor and aldermen, to serve at the pleasure of the board.
(Adopted 12/02/1986)

¹Charter references
City judge: § 17.

3-105. Vacancies; term of office. Vacancies in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen. The term of office of the municipal judge shall be two (2) years.
(Adopted 12/02/1986)

3-106. Bond; oath of office. Because all funds are handled by the court clerk or city recorder, the municipal judge shall not be required to be bonded. The municipal judge shall take the following oath before entering upon the duties of the office: "I do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and of the State of Tennessee, and the ordinances and resolutions of this municipality, and will faithfully discharge the duties of my office without favor or fear, alone for the public good, so help me God."
(Adopted 12/02/1986; Amended 12/17/2002)

3-107. Cost of bond. The cost of making the bond of the municipal judge shall be paid by the municipality.
(Adopted 12/02/1986)

3-108. Salary. The salary of the municipal judge (which may not be altered during his term) shall be one hundred dollars (\$100.00) per month.
(Adopted 12/02/1986; Amended 06/18/2002)

3-109. Absence or disability of judge. In the absence or disability of the municipal judge, either the city clerk or the mayor may serve as such judge.
(Adopted 12/02/1986)

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 court clerk shall keep a complete docket of all matters coming before the municipal court. 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 confinement; and all other information that may be relevant. (1974 Code, § 1-502; Amended 12/17/2002)

3-202. Imposition of fines, penalties, and costs. The following regulations shall be followed in the issuance of fines, penalties, and costs:

(a) All fines, penalties and costs shall be imposed and recorded by the city court clerk on the city court docket in open court. In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace¹ for similar work in state cases.

(b) For any violations not already having a fine determined by the Code or Tennessee Code Annotated, the city judge shall impose a minimum fine of TEN AND NO/100 DOLLARS (\$10.00) in addition to any damages or court costs incurred.

(1974 Code, § 1-508; Amended 10/10/2000, 12/17/2002)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city court clerk in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. The city court clerk shall be bonded in the same amount as is required for the city recorder.

(1974 Code, § 1-511; Amended 12/17/2002)

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

¹State law reference

Tennessee Code Annotated, § 8-21-401.

noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

(1974 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.

(1974 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 contempt of court. (1974 Code, § 1-503; Amended 12/17/2002)

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 appear personally 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. (1974 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. (1974 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.

(1974 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, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹

(1974 Code, § 1-509; Amended 12/17/2002)

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.

(1974 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.