

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.

3-101. 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. (1982 Code, § 1-701)

¹Charter references
Compensation: § 3(d)(1).
Duties: § 3(d)(2) and (3).

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Court costs and litigation tax.
- 3-204. Contempt of court.
- 3-205. Disturbance of proceedings.
- 3-206. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep or cause to be kept a court docket, which shall include the following information:

- (1) Name of defendant;
- (2) Nature of the offense;
- (3) Plea;
- (4) Date of the trial;
- (5) Names of witnesses sworn and examined;
- (6) Findings of the court;
- (7) Amount and date of payment of fines, costs, and forfeitures;
- (8) Date of issuing commitment if any; and
- (9) Any other information deemed pertinent. (1982 Code, § 1-702)

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. (1982 Code, § 1-708, modified)

3-203. Court costs and litigation tax. (1) Court costs and litigation tax assessed and collected on civil and criminal cases brought by the city or its officers shall be the same amount of court costs collected for like services in other cases in general sessions courts and litigation tax levied by the city shall be the maximum allowed under state law. Current amounts of court costs collected by clerks of general sessions courts are set out in Tennessee Code Annotated, § 8-21-401, et seq., and litigation tax is controlled by Tennessee Code Annotated, § 67-4-601, et seq.

(2) The litigation tax and court costs shall be automatically increased and decreased as authorized by law and changes in costs collected in general sessions courts.

(3) The privilege taxed levied according to this section shall be paid to the city recorder monthly to be used for any municipal purpose.

(4) A five dollar (\$5.00) portion of costs collected on each criminal case shall be, and is hereby, appropriated for the D.A.R.E. Program. (Ord. #497, Aug. 1994, as amended by Ord. #514, Sept. 1996)

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. 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. (1982 Code, § 1-712)

3-206. 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. (1982 Code, § 1-706)

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. (1982 Code, § 1-703)

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. (1982 Code, § 1-704)

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. (1982 Code, § 1-705)

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. (1982 Code, § 1-707)

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 (1982 Code, § 1-709)

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 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. (1982 Code, § 1-710)

¹State law reference

Tennessee Code Annotated, § 27-5-101.