

**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. Town judge.
- 3-102. Jurisdiction.

**3-101. Town judge.** (1) Appointment. The town judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen and shall serve at the will and pleasure of the board. Vacancies in the office of the town judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner and for the same term prescribed for the appointment of the town judge.

(2) Qualifications. The town judge shall be a minimum of (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Marion County. If the town judge for any reason removes his domicile from Marion County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of town judge.

(3) Judge pro tem.<sup>2</sup> During the absence of the town judge from his duties for any reason or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro tem to serve until the town judge returns to his duties or the office of town judge is no longer vacant. The town judge pro tem shall have all the qualifications required, and powers, of the town judge.

(4) Salary. The salary of the town judge shall be set annually by the board of mayor and aldermen.

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<sup>1</sup>Charter reference

Town Judge--Town Court: § 6-4-301.

<sup>2</sup>Charter reference

Appointment of temporary judge: § 6-4-301(b)(2).

**3-102. Jurisdiction.** The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Town court established.

3-202. Maintenance of docket.

3-203. Imposition of penalties and costs.

3-204. Disposition and report of penalties and costs.

3-205. Disturbance of proceedings.

**3-201. Town court established.** There is hereby established a town court for the Town of Kimball, Tennessee. (Ord. #19, June 1973)

**3-202. 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; penalties and costs imposed and whether collected; and all other information that may be relevant. (Ord. #19, June 1973)

**3-203. Imposition of penalties and costs.** All penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket. Upon a finding of guilt, penalties shall be imposed by the municipal judge at his discretion in accordance with the provisions of the ordinances of the Town of Kimball. On all cases heard by him, the municipal judge shall tax in the bill of costs, which costs shall be determined as of the date of trial before the municipal judge.

There shall be a maximum amount of court costs assessable of seventy-five dollars (\$75.00), which shall include the amount of litigation tax required to be remitted by the town to the State of Tennessee, which amount is currently thirteen and 75/100 dollars (\$13.75). The balance of sixty-one and 25/100 dollars (\$61.25) will be referred to and retained by the town as its litigation fee.

The municipal judge may at the trial of the case for good cause shown suspend a penalty and/or costs, but may at a subsequent date, upon violation of the terms of such suspension, reinstate such penalties and/or costs. (Ord. #71, May 1990, as amended by Ord. #85, May 1992, and Ord. #101, April 1995)

**3-204. Disposition and report of penalties and costs.** All funds coming into the hands of the town judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all penalties and costs imposed by his court

during the current month and to date for the current fiscal year. (Ord. #19, June 1973)

**3-205. 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. (Ord. #19, June 1973)

## 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> Only the town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #19, June 1973)

**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. (Ord. #19, June 1973)

**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. (Ord. #19, June 1973)

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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, or may in the discretion of the ranking police officer be released without bond to appear before the town judge at a day and time certain, provided such alleged offender is not drunk or otherwise in need of protective custody. (Ord. #19, June 1973)

**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 and legal holidays excepted, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (Ord. #19, June 1973)

**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. (Ord. #19, June 1973)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.