

**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.

**3-101. Town judge.** (1) Appointment and term. The town judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, or until the next regular town election to fill vacancies in the office of mayor and/or aldermen next following the appointment of the town judge, whichever period is shorter. The town judge shall serve at the will and pleasure of the board of mayor and aldermen and 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 twenty-one (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Fayette County. If the town judge for any reason no longer maintains his domicile in Fayette County after his appointment, such removal of his domicile shall automatically create a vacancy in the office of town judge.

(3) Judge pro tem. During the absence of the town judge from his duties for any reason for more than sixty (60) days, or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro term 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. (1993 Code, § 1-601, modified)

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<sup>1</sup>Charter reference  
§ 5(25) and 10.

## 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.

**3-201. 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 that may be relevant. (1993 Code, § 1-602)

**3-202. Imposition of fines, penalties, and costs.** All fines, penalties, and cost shall be imposed and recorded by the town judge on the town court docket in open court. Every person posting a forfeiture in lieu of court appearance with the clerk of the court, and every person assessed a fine by the town court judge or such person is otherwise ordered by the court to pay costs shall, in addition to any fine assessed by the court or any forfeiture taken, be required to pay to the clerk of the court a fee in the amount of one hundred dollars (\$100.00) in all cases where the defendant is charged with the violation of a ordinance and found guilty whether by trial, submission, or plea of guilty. Such one hundred dollars (\$100.00) shall include all costs due in connection with the case, including the officer's fee, issuance of the warrant, entry on the docket, and all matters pertaining to said case, and shall be paid by the defendant. Where applicable, state litigation taxes shall be charged to the defendant in addition to the standard court costs. Provided, however, that this cost shall not apply to a parking ticket. (Ord. #2004-02, Dec. 2004)

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen 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. (1993 Code, § 1-610)

**3-204. 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. (1993 Code, § 1-611)

## 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. (1993 Code, § 1-603)

**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. (1993 Code, § 1-604)

**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. (1993 Code, § 1-605)

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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 town court clerk, or in the absence of the clerk, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1993 Code, § 1-606)

**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> (1993 Code, § 1-608)

**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. (1993 Code, § 1-609, modified)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 16-18-307.