

**TITLE 3**

**MUNICIPAL COURT**

**CHAPTER**

1. CITY COURT.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. CITY JUDGE.
6. PENALTIES.

**CHAPTER 1**

**CITY COURT**

**SECTION**

3-101. Creation, jurisdiction, etc.

**3-101. Creation, jurisdiction, etc.** There is hereby created a city court which shall have the jurisdiction of, and be presided over by the officer designated by the municipal charter to handle judicial matters within the municipality. Such officer shall be known as the city judge. (1978 Code, § 1-501)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket record of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, action dates, warrant and summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether committed to workhouse, for how long committed, etc. (1978 Code, § 1-502)

**3-202. Imposition of fines and costs.** All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1978 Code, § 1-508)

**3-203. Disposition and report of fines and costs.** All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and disposed of in accordance with the provisions of the Linden Charter. Then, at the end of each month, he shall submit to the 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. (1978 Code, § 1-510)

**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 noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1978 Code, § 1-511)

**3-205. Trial and disposition of cases.** Every person arrested for allegedly 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. In no event shall the trial of an alleged offender be delayed more than twenty-four (24) hours after his arrest unless he specifically requests such delay. Provided, however, that 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. (1978 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.**<sup>1</sup> Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1978 Code, § 1-503)

**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. (1978 Code, § 1-504)

**3-303. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he reasonably believes will better enable him to equitably dispose of 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. (1978 Code, § 1-505)

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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. 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. (1978 Code, § 1-507)

**3-402. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in the sum of one hundred dollars (\$100.00) 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

- (1) in the form of a cash deposit or
- (2) it may be made by any corporate surety company authorized to do business in Tennessee or
- (3) it may be made by two (2) private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. (1978 Code, § 1-509)

**CHAPTER 5****CITY JUDGE****SECTION**

3-501. City judge.

**3-501. City judge.** (1) Pursuant to Tennessee Code Annotated, § 6-4-301(b)(1)

(a) The city judge for the City of Linden, State of Tennessee shall be over 35 years of age, licensed in the State of Tennessee to practice law, and shall be a resident of the State of Tennessee. In the event he removes his residency from the State of Tennessee he shall automatically vacate his or her office.

(b) The city judge shall be appointed by, and serve at the will and pleasure of, the board of mayor and aldermen.

(c) Vacancies in the office of city judge shall be filled by the board of mayor and aldermen.

(d) The compensation of the city judge shall be \$250.00 per month.

(e) During the absence or disability of the city judge, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties. The judge pro tem shall have all the qualifications required of the city judge under this chapter, and shall have all the authorities and powers of the city judge.

(2) Consistent with *Town of South Carthage v. Barrett* 840 S.W. 2d 895 (Tenn. 1992) the city judge is an appointed judge and shall have jurisdiction only over violations of municipal ordinances. (as added by Ord. #00-11-A, Nov. 2000)

**CHAPTER 6****PENALTIES****SECTION**

3-601. Traffic violations.

3-602. Municipal ordinance violations.

**3-601. Traffic violations.** All municipal traffic violations authorized by law to be heard in municipal court are hereby set at fifty (50) dollars.<sup>1</sup> (as added by Ord. #00-12-A, Jan. 2001)

**3-602. Municipal ordinance violations.** All municipal ordinance violations other than traffic violations are hereby set at a maximum of one-hundred (100) dollars. (as added by Ord. #00-12-A, Jan. 2001)

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<sup>1</sup>Municipal code reference  
Traffic citations: § 15-706.