

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. Establishment of a town court and its officials.
 3-102. Municipal judge.

3-101. Establishment of a town court and its officials. (1) A town court hereby is created in the Town of Pegram, Tennessee for the purpose of hearing all cases for violation of or arising under the laws and ordinances of the municipality. In addition, the town court shall possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if:

(a) The maximum penalty prescribed by state law for the state criminal offense is a fine of fifty dollars (\$50.00) or less and/or imprisonment for thirty (30) days or less, or both; and

(b) The maximum penalty for the municipal violation is a civil fine not more than fifty dollars (\$50.00).

(2) The office of municipal judge hereby is created in the Town of Pegram, Tennessee, and the municipal judge shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the municipality.

(3) The office of court clerk hereby is created in the Town of Pegram, Tennessee, and at all times there shall be a person appointed, elected or otherwise designated to serve as clerk of the municipal court. Immediately after such appointment, election or designation, the mayor shall notify the administrative office of the courts and provide any additional information concerning the clerk as may be required by the administrative director. The

¹Charter references

City Judge--City Court: § 6-4-301.

clerk shall attend mandatory annual training in accordance with those requirements set forth hereunder at § 3-102(6), unless the court clerk is also a municipal clerk or town recorder who is required to be certified pursuant to Tennessee Code Annotated, § 6-54-120. (as added by Ord. #2005-30, May 2005)

3-102. Municipal judge. (1) Powers and function. The municipal judge is vested with the judicial powers and functions of the mayor or town recorder of the Town of Pegram and is subject to the provisions of law and the town charter governing the municipal court presided over by the mayor or town recorder. In addition, the municipal judge is authorized to administer oaths.

(2) Qualifications. (a) The municipal judge shall be a minimum of thirty (30) years of age, be licensed by the State of Tennessee to practice law, and be a resident of the State of Tennessee. If the municipal judge for any reason no longer maintains his domicile in the State of Tennessee after his or her appointment, such removal of domicile shall automatically create a vacancy in the office of municipal judge.

(b) No municipal judge shall hold any other office or employment in the town concurrently with his employment as municipal judge. The town attorney may not serve as municipal judge for the town while employed as the attorney.

(3) Appointment and term. The municipal judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen, to serve at the pleasure of 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 municipal judge, whichever period is shorter.

(4) Vacancies in office. Vacancies in the office of the municipal 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 municipal judge.

(5) Oath and bond required. The municipal judge shall take an oath of office to support the constitutions of the United States and the State of Tennessee, to uphold the laws of the State of Tennessee and the laws and ordinances of the Town of Pegram, and to faithfully discharge the duties of the office of municipal judge, before any officer authorized to administer oaths. The municipal judge shall be bonded, if necessary, in the amount of fifty thousand dollars (\$50,000.00), by an authorized company organized and existing under the laws of the State of Tennessee to write such bonds. The cost of making any such bond of the municipal judge shall be paid by the Town of Pegram.

(6) Training required. All municipal court judges and municipal court clerks are required to complete three (3) hours of training or continuing education courses each calendar year. The Town of Pegram, Tennessee shall bear the expense of travel costs associated with the training and will reimburse the municipal judge and court clerk pursuant to the travel reimbursement

regulations and policy adopted by the town. The administrative office of the courts will monitor and ensure that clerks and judges comply with the requirements of and receive the annual training.

(7) Conference required. Every municipal judge shall be required to attend the annual Tennessee Municipal Judges Conference, unless unable to do so because of physical incapacity. The municipality is responsible for expenses incurred in attending the annual conference and shall reimburse the same to the municipal judge and court clerk pursuant to the travel reimbursement regulations and policy adopted by the town.

(8) Salary. The salary of the municipal judge shall be fixed by the board of mayor and aldermen before the municipal judge's appointment and shall not be altered during the municipal judge's term of service.

(9) Judge pro tem. During the absence of the municipal judge from his or her duties for any reason for more than thirty (30) days, or at any time the office of the municipal judge is vacant, the board of mayor and aldermen may appoint a municipal judge pro tem to serve until the municipal judge returns to his or her duties or until the office of municipal judge is no longer vacant. The municipal judge pro tem shall have all the powers granted and qualifications required of the municipal judge. The municipal judge pro tem shall receive the salary fixed for the municipal judge who preceded the judge pro tem in office. (1990 Code, § 1-501, as replaced by Ord. #2004-08, Feb. 2004, and replaced and renumbered by Ord. #2005-30, May 2005)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Imposition of town litigation tax.

3-204. Disposition and report of fines, penalties, costs and taxes.

3-205. Disturbance of proceedings.

3-201. Maintenance of docket. The municipal 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. (1990 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court.

(2) In all cases heard or determined by him, the municipal judge shall tax in the bill of costs those amounts set by the board of mayor and aldermen by resolution from time to time as is necessary. (1990 Code, § 1-507, as replaced by Ord. #2004-11, July 2004)

3-203. Imposition of town litigation tax. (1) A town litigation tax is hereby levied on the appropriate cases in town court in an amount, not to exceed the state litigation tax of thirteen dollars and seventy-five cents (\$13.75), as specified by the board of mayor and aldermen by resolution from time to time as is necessary.

(2) The privilege taxes levied pursuant to this chapter shall be paid to the town recorder monthly to be used for any and all municipal purposes. (1990 Code, § 1-510, as replaced by Ord. #2004-11, July 2004)

3-204. Disposition and report of fines, penalties, costs and taxes.

(1) All funds coming into the hands of the municipal judge shall be turned over to the court clerk. All funds coming into the hands of the court clerk in the form of fines, penalties, costs, forfeitures and taxes shall be recorded by the clerk and paid over daily to the Town of Pegram, Tennessee.

The clerk shall maintain accurate and detailed record and summary report of all financial transactions and affairs of the court, which shall reflect all disposed cases, assessments, collections, suspensions, waivers and transmittals of litigation taxes, court costs, forfeitures, fines, fees and any other

receipts and disbursements. At the end of each month the clerk shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, costs and taxes imposed by the town court during the current month and to date for the current fiscal year. An annual audit of the financial records and transactions of the court shall be made by the town.

(2) After receiving funds collected as court cost from the court clerk each month, the town recorder shall pay over to the state one dollar (\$1.00) of the court cost collected on each case to be used as an "education fee" to fund training programs for judges and clerks. The one dollar (\$1.00) fee shall be in addition to any litigation tax collected. The said fee shall not be added to the town's court cost, but shall be paid to the state out of the existing court cost. (1990 Code, § 1-511, as replaced by Ord. #2004-11, July 2004, and Ord. #2005-29, May 2005)

3-205. Disturbance of proceedings. (1) It shall be unlawful for any person to willfully fail to appear in court for violation of a municipal ordinance.

(2) It shall be unlawful for any person to willfully create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

(3) Any disturbance of the proceedings of the municipal court may constitute a contempt of court, punishable by a fine of fifty dollars (\$50.00) per violation or imprisonment, or both. (as added by Ord. #2004-11, and replaced by Ord. #2005-29, May 2005)

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 municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1990 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the municipal 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the municipal 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. (1990 Code, § 1-504)

3-303. Issuance of subpoenas. The municipal 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. (1990 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 municipal 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 municipal court clerk, or in the absence of the municipal court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1990 Code, § 1-506)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days, excluding Sundays, after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1990 Code, § 1-508, as replaced by Ord. #2005-31, May 2005)

3-403. Bond amounts, conditions, and forms. (1) An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal court at the stated time and place.

(2) An appeal bond in any case shall be in the sum of two hundred fifty dollars (\$250.00), to insure the defendant's appearance and the faithful prosecution of the appeal, and shall be conditioned such that if the circuit court shall find against the appellant, the fine or penalty and all costs of the trial and appeal shall be promptly paid by the appellant and/or his sureties.

(3) 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 within the county. No other type bond shall be acceptable. (1990 Code, § 1-509, as replaced by Ord. #2005-31, May 2005)

¹State law reference

Tennessee Code Annotated, § 27-5-101.