

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.
- 3-102. Compensation of acting city judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city² shall preside over the city court and shall be known as the city judge. (1980 Code, § 1-501)

3-102. Compensation of acting city judge. The compensation of an acting city judge appointed by the mayor pursuant to § 3.05 of the city charter shall be \$15.00 per day of service, but in the event the acting city judge serves continuously for a period of at least one week, the compensation shall be fixed at the same amount being paid to the regular city judge. (1980 Code, § 1-513)

¹Charter reference
City court: § 3.04.

²Charter reference: § 3.05.

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.

3-205. Trial and disposition of cases.

3-206. Charges for court costs.

3-201. Maintenance of docket. The city 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 which may be relevant. (1980 Code, § 1-502)

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. In all cases for the offenses designated in the schedule of fines and costs set out in this chapter, heard and determined by the city judge, the city judge shall tax in the bill of costs the same amounts set out such schedule. In all cases in the enforcement of title 15 of this code for offenses not designated in such schedule, the fine or penalty shall be taxed by the city judge in accordance with § 15-706 of title 15 and all costs shall be taxed in the same amounts for the same items allowed in general sessions courts for similar work in state cases. In all other cases, not hereinabove addressed, heard and determined by the city judge, the city judge shall tax in the bill of costs the same amounts for the same items allowed in general sessions courts for similar work in state cases. (1980 Code, § 1-508, as amended by Ord. #01-7, Nov. 2001)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1980 Code, § 1-511)

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. (1980 Code, § 1-512)

3-205. 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. (1980 Code, § 1-506)

3-206. Charges for court costs. The court costs in city court shall be as follows:

Issuing ticket or citation	\$25.00
Docketing of case	\$7.50
Affidavit and warrant	\$15.00
Mittimus	\$8.00
Bonds	\$8.00
Entry of judgment	\$15.00
Issuing subpoena	\$32.00
Summoning witnesses	\$32.00
Arrest	\$25.00
Preparing bill of costs	\$15.00
Issuing capias	\$25.00
Abstract	\$13.00
Continuance	\$5.00
State fee	\$1.00
Court management fee	\$10.00

The following additional costs shall be paid when applicable:

- (1) The costs of conducting and blood test, urine test, hair follicle test, and/or breath analyzer test to determine alcoholic or drug content.
- (2) The costs of transportation of the prisoner into and/or out of the County of Macon at the rate of forty and ½ cents (40.5) per mile.
- (3) Traffic school for first time traffic offenders shall be eighty-five dollars (\$85.00). (as added by Ord. #01-7, Nov. 2001, as replaced by Ord. #05-4, Sept. 2005, as amended by Ord. #09-1, May 2009)

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. (1980 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. (1980 Code, § 1-504)

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. (1980 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 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. (1980 Code, § 1-507)

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, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1980 Code, § 1-509)

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 and fifty dollars (\$250.00) and shall be conditioned 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 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. (1980 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.