

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY COURT.

CHAPTER 1

CITY COURT

SECTION

- 3-101. Maintenance of docket.
- 3-102. Issuance of arrest warrants.
- 3-103. Issuance of summonses.
- 3-104. Issuance of subpoenas.
- 3-105. Appearance bonds authorized.
- 3-106. Disposition and report of fines, and costs.
- 3-107. Contempt of court.

¹Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: 6-21-501.

Jurisdiction: 6-21-501.

Qualifications: 6-21-501.

City court operations:

Appeals from judgment: 6-21-508.

Appearance bonds: 6-21-505.

Arrest warrants: 6-21-504.

Docket maintenance: 6-21-503.

Fines and costs:

Amounts: 6-21-502, 6-21-507.

Collection: 6-21-507.

Disposition: 6-21-506.

3-101. 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. (1971 Code, § 1-602)

3-102. 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. (1971 Code, § 1-603)

3-103. Issuance of summonses.² 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 municipal code or 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. (1971 Code, § 1-604)

3-104. 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. (1971 Code, § 1-605)

3-105. Appearance bond authorized. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

²Municipal code references

Issuance of citation in lieu of arrests and ordinance summonses by certain city officers in non-traffic cases: title 6, chapter 1.

laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any municipal ordinance regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as hereinabove described shall issue said person a receipt for said license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, section 55-50-803.

(4) Possession of license required - substitute license. Also pursuant to the provisions of Tennessee Code Annotated sections 55-7-401 through 55-7-405, the licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the Tennessee Department of Safety or any police officer of the state, county or municipality, except that where the licensee has previously deposited his license with the officer or the court demanding bail, and has received a receipt from the officer or the court, the same to serve as a substitute for the license until the specified date for the court appearance of the licensee or the license is otherwise returned to the licensee by the officer or the court accepting the same for deposit.

(5) Officers and employees shall comply with state law. All city officers and employees shall comply fully with the requirements of sections 55-7-401 through 55-7-405 of Tennessee Code Annotated and any implementing orders of the State of Tennessee Department of Safety. And the provisions of this chapter are in addition to the provisions allowable under Tennessee Code Annotated sections 7-63-101 through 7-63-107 inclusive and are implemented as alternative procedure to the provisions allowable under Tennessee Code Annotated sections 7-63-101 through 7-63-107 inclusive. (Ord. #3, Aug. 1979)

3-106. Disposition and report of fine, 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 paid over monthly to the municipality. At the end of each month he shall submit to the board of commissioners 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. (1971 Code, § 1-611)

3-107. Contempt of court. (1) It shall be unlawful and deemed a contempt of the City of Rockford Municipal Court for any person to do or omit to do any of the following:

(a) The willful misbehavior of any person in the presence of the municipal court, or so near thereto as to obstruct the administration of justice.

(b) The willful misbehavior of any of the officers of said municipal court, including police officers in their official transactions.

(c) The willful disobedience or resistance of any officer of the said municipal court, party, witness, or any other person, to any lawful writ, process, order, rule, decree, or command of said court.

(d) The willful abuse of, or unlawful interference with, the process or proceedings of the court.

(e) To profanely swear or curse in the presence of said court.

(2) It shall be unlawful and deemed a contempt of the City of Rockford Municipal Court for any corporation to do or omit to do any of the indicated acts or omissions of "a" through "e" above and such corporation may be punished to the same extent as any person as provided below.

(3) A warrant may be sought as in other cases for the indicated acts and omissions of "a" through "e" above and the person alleged to have committed same may be arrested as in other cases to be tried for such contempt of court and be permitted to make bail which shall be in the amount of fifty dollars (\$50.00).

(4) Any person, or corporation, who shall violate any provision of this chapter shall be guilty of a misdemeanor and be punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), plus court costs. (Ord. #4, July 1980)