

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. Jurisdiction.

3-101. City judge. (1) Appointment and term. The city judge designated by the charter to handle judicial matters within the city shall be appointed by and shall serve at the will and pleasure of the city council. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of twenty-one (21) years of age, and may be licensed by the State of Tennessee to practice law, and be a resident of Roane County. If the city judge for any reason removes his domicile from Roane County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

¹Charter reference: art. VI, §§ 4, 5, and 6.

Municipal code reference

Policemen to attend the city court and serve process: § 6-102.

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

3-203. Disposition and report of civil penalties, 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 of all matters coming before the city court. The docket shall include for each defendant such information as his name; action dates; warrant and summons numbers; alleged offense; disposition; civil penalties and costs imposed and whether collected. (1970 Code, § 1-402, modified)

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

(2) The city judge shall have the authority, upon proper cause being shown, to suspend, remit, or release all or part of any fines, and/or costs imposed and/or recorded in the city court.

(3) The following costs and litigation taxes are established for the City Court of the City of Rockwood.:

(a) Eighty dollars (\$80.00) court costs and five dollars (\$5.00) technology fee in addition to the fine imposed on each offense.

(b) There shall be imposed the state litigation as set forth in Tennessee Code Annotated, § 67-4-602, and the costs of any capias issued in the case.

(4) The city recorder shall remit all five dollar (\$5.00) technology fees collected to the Rockwood City Police Department. (1970 Code, § 1-408, modified, as replaced by Ord. #05-1073, Oct. 2004, and amended by Ord. #11-90, Aug. 2014)

3-203. Disposition and report of civil penalties, and costs. All funds coming into the hands of the city judge in the form of civil penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. Then, at the end of each month, he shall submit to the city council a report accounting for the collection or non-collection of all civil penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1970 Code, § 1-411, modified)

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. (1970 Code, § 1-412)

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. (1970 Code, § 1-406, modified)

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 Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1970 Code, § 1-403)

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. (1970 Code, § 1-404)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will 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. (1970 Code, § 1-405)

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. (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 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 city ordinance or state statute 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 of this city 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 described above, shall issue the person a receipt for the 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. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(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, § 55-50-801, et seq.

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 (1970 Code, § 1-409)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

3-403. 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 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:

- (1) In the form of a cash deposit, or
- (2) By any corporate surety company authorized to do business in Tennessee, or
- (3) 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. (1970 Code, § 1-410)