

TITLE 3

MUNICIPAL COURT

CHAPTER

1. MUNICIPAL COURT.
2. TOWN JUDGE.

CHAPTER 1

MUNICIPAL COURT¹

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3-101. Bond. Before assuming his duties, the town judge shall execute a bond in a responsible bonding company in the amount of one thousand dollars (\$1,000.00) conditioned to faithfully account for all funds coming into his hands as such judge. This bond shall be paid for by the Town of Signal Mountain. (1985 Code, § 1-305)

3-102. Judge pro tem. Should the town judge be absent or unable to attend court or disqualify himself from hearing a particular case, he may choose a judge pro-tem to sit in his place and stead. This judge pro-tem shall have all the qualifications required of the judge of the town court and shall preside and adjudicate and have all the powers and be liable to all of the responsibilities of a regular judge. Before serving, the judge pro-tem shall take the oath prescribed for the regular judge. In the event the town judge is absent or disabled so that he cannot pick a judge pro-tem then the Signal Mountain Town Council shall

¹See Article XI, "Town Court", of the charter for duties and powers of the Town Judge, court policies and procedures, etc.

appoint a town judge pro-tem to serve until the regular judge returns. (Ord. # 87-10, Oct. 1988, modified)

3-103. Maintenance of docket. The town 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 and cost imposed and whether collected for or committed to workhouse and all other information that may be relevant. (1985 Code, § 1-308)

3-104. Issuance of arrest warrants.¹ Only the town judge shall have the power to issue warrants for the arrest of persons charged with violating town ordinances. He may also issue warrants for the arrest of persons charged with violating the laws of the state. (1985 Code, § 1-309)

3-105. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion in lieu of issuing an arrest warrant, issue a summons ordering the alleged defendant to personally appear before the town 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 court as commanded in a summons lawfully served upon 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. (1985 Code, § 1-310)

3-106. Issuance of subpoenas. The town 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. (1985 Code, § 1-311)

3-107. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town 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. (1985 Code, § 1-312)

¹See Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town 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. (1985 Code, § 1-313)

3-109. Appearance bonds. (1) When the town 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 town 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.

(2) An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town 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 criminal 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 in the form of a cash deposit or by any corporate 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. (1985 Code, § 1-314)

3-110. Imposition of fines, penalties, taxes and costs. (1) In all cases heard and determined in the municipal court of the Town of Signal Mountain for the violation of ordinances of said town:

(a) The judge shall impose court costs, in addition to all fines and penalties, in the amount of seventy five dollars and twenty five cents (\$75.25).

(b) A five dollar (\$5.00) continuance fee shall be assessed when a continuance is requested by the defendant (after the first free continuance).¹

(c) Contempt of court shall be punished by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed at the judge's discretion.

(d) The clerk shall add to any cost bill any additional state taxes and fees as prescribed by law.²

¹State law reference

Tennessee Code Annotated, §§ 8-21-401, 16-18-304, 16-18-305(a), and 67-4-602.

²State law reference

(2) In all state criminal cases heard and determined in the court of general sessions of the Town of Signal Mountain:

(a) The judge shall impose court costs, in addition to all fines and penalties, in the amount of eighty three dollars and fifty cents (\$83.50).

(b) Costs, taxes, fines and fees shall be imposed as set forth by state law.¹

(c) A citation in lieu of arrest fee of twenty five dollars (\$25.00) will be imposed as necessary.

(d) Arrest, transportation, bail bond and service of process fees shall be imposed as set forth by state law.²

(e) Head and spinal cord injury fees shall be imposed as set forth by state law.³

(f) Alcohol and drug related offense fees shall be imposed as set forth by state law.⁴

(g) A jail fee shall be imposed as necessary as set forth by the Hamilton County Board of Commissioners Resolution No. 511-3 as said resolution now exists or is hereafter amended or replaced.

(h) Fees for expungements will be collected and disbursed as required by state law.⁵

(3) All fines from drug offenses shall be disbursed as required by state law.⁶ (1985 Code, § 1-315, as replaced by Ord. #2007-15, Dec. 2007, and Ord. #2014-08, Sept. 2014)

²(...continued)

Tennessee Code Annotated, §§ 16-18-304, 16-18-305(a), and 67-4-602(d).

¹State law reference

Tennessee Code Annotated, §§ 16-18-304, 16-18-305(a), and 67-4-602(d).

²State law reference

Tennessee Code Annotated, § 8-21-901.

³State law reference

Tennessee Code Annotated, §§ 68-55-301 through 68-55-306.

⁴State law reference

Tennessee Code Annotated, §§ 39-17-428 and 55-10-401.

⁵State law reference

Tennessee Code Annotated, §§ 8-21-401 and 40-32-101.

⁶State law reference

Tennessee Code Annotated, § 39-17-428.

3-111. Manner of imposing and recording fines and costs. All fines and costs shall be imposed and recorded by the town judge on the town court docket in open court. After any fine and costs have been so imposed and recorded, the judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error. (1985 Code, § 1-316)

3-112. Disposition of fines, penalties and costs. All funds coming into the hands of the town judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the town. (1985 Code, § 1-317)

3-113. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial, or other proceedings, before the town court by make loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1985 Code, § 1-318)

3-114. Collection agencies. The Town of Signal Mountain is authorized to employ a collection agency to collect fines and costs assessed by the municipal court where the fines and costs have not been collected within sixty (60) days after they were due. Any fees of the collection agency shall be assessed as court costs in connection with the town offense. Any such contract with a collection agency shall be in writing, and shall include a provision specifying that the collection agency may institute an action to collect fines and costs in a judicial proceeding when authorized by the town manager. The collection agency may be paid an amount approved by the town manager which does not exceed any statutorily approved fees authorized by Tennessee Code Annotated, § 40-24-105(d.) (as added by Ord. #2009-20, Dec. 2009)

CHAPTER 2

TOWN JUDGE

SECTION

3-201. Compensation.

3-202. Benefits.

3-203. Dates court is in session.

3-201. Compensation. The compensation for the town judge during the eight (8) year term will be set at fifteen thousand dollars (\$15,000.00) annually and paid in monthly increments during the entire term. (as added by Ord. #2006-4, May 2006)

3-202. Benefits. There will be no other benefits afforded the town judge during the term. (as added by Ord. #2006-4, May 2006)

3-203. Dates court is in session. Court shall be regularly scheduled in session twice a month on the first Tuesday and third Thursday of each month. The court may make exceptions to those specific days as the town judge deems necessary to avoid proximity to holidays or for other appropriate reasons. Additional court dates may be scheduled as the town judge deems necessary. (as added by Ord. #2006-4, May 2006, and replaced by Ord. #2018-11, Sept. 2018 *Ch19_8-26-19*)