

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.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1985 Code, § 1-701)

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.

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.

3-201. 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 that may be relevant. (1985 Code, § 1-702)

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.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases plus one dollar (\$1.00).

(2) The sum of THREE DOLLARS is to be added to the court costs of each case tried before the City Court.

The Three Dollars so collected shall be used to help fund the City's DARE program.

The City of South Fulton Police Department's DARE Fund Administrator shall make disbursements from the DARE fund at his discretion, as to best benefit the local DARE program, according to a system of guidelines established by the state Comptroller.

The DARE Fund Administrator shall be responsible for all record keeping in regard to the DARE fund, and shall be accountable to the state Comptroller for all reports to that office.

The accounting of all activity of the DARE fund shall be included in the annual fiscal year-end audit each year conducted by the state Comptroller's office. (1985 Code, § 1-708, as amended by Ord. #94-1, March 1994)

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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 board of commissioners 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. (1985 Code, § 1-711)

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. (1985 Code, § 1-712)

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. (1985 Code, § 1-706)

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. (1985 Code, § 1-703)

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. (1985 Code, § 1-704)

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. (1985 Code, § 1-705)

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 in the following amounts with the city judge or, in the absence of the judge, with the ranking police desk sergeant on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

<u>OFFENSE</u>	<u>BOND</u>
Improper turn	\$ 25.00
Speeding	25.00
Improper take-off	25.00
Running red light	25.00
Stop sign	25.00
Passing on right	25.00
Unnecessary noise	25.00
No driver's license	25.00
No city tag	25.00
Selling beer after hours	50.00
Possession of liquor--known bootlegger	50.00
Possession of liquor	35.00
Public intoxication	25.00
Disturbing the peace	50.00
Fighting	50.00
Disorderly conduct	50.00
Resisting arrest	50.00
Fighting an officer	50.00
Cursing an officer	50.00
Interfering with duty of officer	50.00
Discharging firearms in city limits	25.00
Assault & battery	50.00
Malicious mischief	30.00
Destroying private property	50.00

<u>OFFENSE</u>	<u>BOND</u>
False emergency alarm	40.00
Failure to appear in court	50.00
Allowing minors in beer places	50.00
Minors in beer places	25.00
Bond for all offenses not listed above is	50.00

Bond shall be made and accepted by depositing cash or by the offender obtaining two bondsmen owning property within the County of Obion. (1985 Code, § 1-707)

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 (1985 Code, § 1-709)

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. (1985 Code, § 1-710)

¹State law reference

Tennessee Code Annotated, § 27-5-101.