

TITLE 3**MUNICIPAL COURT****CHAPTER**

1. TOWN COURT.
2. FINES AND COSTS.

CHAPTER 1**TOWN COURT¹****SECTION**

- 3-101. Town judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Appearance bonds authorized.
- 3-107. Imposition of fines, penalties, and costs.
- 3-108. Appeals.
- 3-109. Bond amounts, conditions, and forms.
- 3-110. Disposition and report of fines, penalties, and costs.
- 3-111. Disturbance of proceedings.

3-101. Town judge. (1) Appointment and term. The town judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen for a term of four (4) years, or until the next regular town election to fill vacancies in the office of mayor and/or aldermen next following the appointment of the town judge, whichever period is shorter. Vacancies in the office of the town judge arising from resignation, disqualification, or for any other reason whatsoever, shall be filled in the same manner and for the same term prescribed for the appointment of the town judge.

(2) Qualifications. The town judge shall be a minimum of thirty (30) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Hawkins County. If the town judge for any reason no longer maintains his domicile in Hawkins County after appointment, such removal of domicile shall automatically create a vacancy in the office of town judge.

¹Charter reference
Town court: § 6-4-301.

(3) **Judge pro tem.** During the absence of the town judge from his duties for any reason for more than ninety (90) days, or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro term to serve until the town judge returns to his duties or the office of town judge is no longer vacant. The town judge pro tem shall have all the qualifications required, and powers, of the town judge. (1992 Code, § 3-101)

3-102. 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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1992 Code, § 3-102)

3-103. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1992 Code, § 3-103)

3-104. 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 offender personally to 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town 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. (1992 Code, § 3-104)

3-105. 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. (1992 Code, § 3-105)

3-106. Appearance bonds authorized. 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

¹State law reference

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

disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the town court clerk, or in the absence of the town court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1992 Code, § 3-106)

3-107. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.

In all cases heard or determined by him, the town 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. (1992 Code, § 3-107)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days² next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1992 Code, § 3-108)

3-109. Bond amounts, conditions, and forms. 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 such sum as the town judge shall prescribe, not to exceed 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 within the county. No other type bond shall be acceptable. (1992 Code, § 3-109)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1992 Code, § 3-110)

¹State law reference
Tennessee Code Annotated, § 8-21-401.

²State law reference
Tennessee Code Annotated, § 27-5-101.

3-111. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1992 Code, § 3-111)

CHAPTER 2

FINES AND COSTS

SECTION

3-201. Town of Surgoinsville schedule of fines and costs.

3-202. Penalty.

3-201. Town of Surgoinsville schedule of fines and costs.

OFFENSE	FINE	STATE LITIGATION TAX	MUNICIPAL COURT COSTS	TOTAL
Address violation on license	\$ 5.00	\$ 13.75	\$ 46.25	\$ 65.00
Assault on officer	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Breach of peace	\$ 45.00	\$ 13.75	\$ 46.25	\$105.00
Child restraint violation	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Consumption under 21	\$ 40.00	\$ 13.75	\$ 46.25	\$100.00
Destroying town property (+replacement of property)	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Dog ordinance violation (1 st offense)	\$ 20.00	\$ 13.75	\$ 46.25	\$ 80.00
Dog ordinance violation (2 nd offense)	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Dog ordinance violation (3 rd offense)	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Driving without license	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Compliant			\$ 46.25	\$ 46.25
Driving while license is suspended or revoked	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Failure to stop for blue lights	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Failure to yield causing an accident	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Failure to yield	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Following too close	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Following too close causing an accident	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Going armed	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Illegal parking (1 st offense)	\$ 1.00	\$ 13.75	\$ 46.25	\$ 61.00

OFFENSE	FINE	STATE LITIGATION TAX	MUNICIPAL COURT COSTS	TOTAL
Illegal parking (2 nd offense)	\$ 15.00	\$ 13.75	\$ 46.25	\$ 75.00
Illegal parking (3 rd offense)	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Illegal parking (4 th offense and each thereafter)	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Improper passing	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Interfering with an officer	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Littering or disturbing trash containers	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Plus cost of clean-up		\$ 13.75		
Light law violation	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
With repair		\$ 13.75	\$ 46.25	\$ 60.00
Open beer/whiskey	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Ordinance violation (unless specified)	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Other state violations	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Passing stop sign	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Passing stop sign causing an accident	\$ 40.00	\$ 13.75	\$ 46.25	\$100.00
Possession drug paraphernalia	\$ 45.00	\$ 13.75	\$ 46.25	\$105.00
Posting of signs	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Proof of insurance required	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Compliant		\$ 13.75	\$ 46.25	\$ 60.00
Public intoxication (+15.00 p/day jail fee)	\$ 35.00	\$ 13.75	\$ 46.25	\$ 95.00
Reckless driving	\$ 50.00	\$ 13.75	\$ 46.25	\$110.00
Registration violation	\$ 25.00	\$ 13.75	\$ 46.25	\$ 85.00
Compliant		\$13.75	\$ 46.25	\$ 60.00
Resisting arrest	\$ 45.00	\$13.75	\$ 46.25	\$105.00

OFFENSE	FINE	STATE LITIGATION TAX	MUNICIPAL COURT COSTS	TOTAL
Seat belt violation	\$ 10.00	\$13.75	\$ 46.25	\$ 70.00
Speeding:			\$ 46.25	\$ 46.25
1-9 MPH over	\$ 10.00	\$13.75	\$ 46.25	\$ 70.00
10-19 MPH over	\$ 25.00	\$13.75	\$ 46.25	\$ 85.00
20-29 MPH over	\$ 35.00	\$13.75	\$ 46.25	\$ 95.00
30 MPH and over	\$ 50.00	\$13.75	\$ 46.25	\$110.00
Suspended license violation	\$ 50.00	\$13.75	\$ 46.25	\$110.00
Trespassing	\$ 35.00	\$13.75	\$ 46.25	\$ 95.00
Window tint violation	\$ 25.00	\$13.75	\$ 46.25	\$ 85.00

(Ord. #23-2002, Dec. 2002)

3-202. Penalty. Any person violating any provisions of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of up to fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #23-2002, Dec. 2002)