

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. COURT ADMINISTRATION.
2. WARRANTS, SUMMONSES AND SUBPOENAS.
3. BONDS AND APPEALS.
4. CITY JUDGE.

CHAPTER 1

COURT ADMINISTRATION

SECTION

- 3-101. Maintenance of docket.
- 3-102. Imposition of fines, penalties, and costs.
- 3-103. Disturbance of proceedings.
- 3-104. Trial and disposition of cases.
- 3-105. Fines.

3-101. Maintenance of docket. The docket required to be kept by the mayor in his judicial capacity by art. V, § 2 of the charter shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; whether committed to workhouse; and all other information which may be relevant. (1979 Code, § 1-401)

3-102. Imposition of fines, penalties, and costs. In all cases heard and determined by the city judge against the defendant, the following court costs shall be imposed:

Court costs in all cases, unless otherwise provided, shall be ninety-three dollars seventy-five cents (\$93.75). Such court costs shall include other statutorily authorized fees, such as interest, litigation tax which may be lawfully assessed, which is presently set at:

State litigation tax of thirteen dollars seventy-five cents (\$13.75).

Municipal litigation tax of thirteen dollars seventy-five cents (\$13.75).

¹Charter reference

Mayor's court: art. V.

Cash bond forfeiture fee thirteen dollars seventy-five cents (\$13.75).

Continuance fee of five dollars (\$5.00) (for each of the second and any subsequent continuances).

Litigation tax for public parking space violation one dollar (\$1.00).

One dollar (\$1.00) of the court costs in each case shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks pursuant to Tennessee Code Annotated § 16-18-305(b). (1979 Code, § 1-407, as replaced by Ord. #2183, April 2017 *Ch8_08-09-22*)

3-103. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the mayor's court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1979 Code, § 1-410)

3-104. 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 mayor's court is in session or the mayor 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. (1979 Code, § 1-405)

3-105. Fines. The municipal judge may levy fines in an amount not to exceed \$500.00 for the violation of a municipal ordinance. (Ord. #2064, Dec. 1993)

CHAPTER 2

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-201. Issuance of arrest warrants.

3-202. Issuance of summonses.

3-203. Issuance of subpoenas.

3-201. Issuance of arrest warrants.¹ The mayor in his judicial capacity shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1979 Code, § 1-402)

3-202. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the mayor, the mayor may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to appear personally before the mayor's 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 mayor's 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. (1979 Code, § 1-403)

3-203. Issuance of subpoenas. The mayor in his judicial capacity 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. (1979 Code, § 1-404)

¹State law reference

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

CHAPTER 3

BONDS AND APPEALS

SECTION

3-301. Appearance bonds authorized.

3-302. Appeals.

3-303. Bond amounts, conditions, and forms.

3-301. Appearance bonds authorized. When the mayor 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 mayor or, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1979 Code, § 1-406)

3-302. Appeals. Any defendant who is dissatisfied with any judgment of the mayor's 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 (1979 Code, § 1-408)

3-303. Bond amounts, conditions, and forms. An appearance bond in any case before the mayor's court shall be in such amount as the mayor shall prescribe and shall be conditioned that the defendant shall appear for trial before the mayor's court at the stated time and place. An appeal bond in any case shall be in the sum prescribed in art. V, § 7 of the charter 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 promptly be 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. (1979 Code, § 1-409)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 4

CITY JUDGE

SECTION

3-401. Office of municipal judge established.

3-402. Qualifications.

3-403. Appointment and term of office.

3-404. Vacancies.

3-405. Oath of office and bond.

3-406. Salary.

3-407. Absence or disability.

3-401. Office of municipal judge established. Pursuant to authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the City of Tiptonville, Tennessee, the office of municipal judge. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-402. Qualifications. The municipal judge shall be an attorney licensed to practice law in the State of Tennessee. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-403. Appointment and term of office. The municipal judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the board. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-404. Vacancies. Any vacancies occurring in the office of Municipal Judge shall be filled by the board of mayor and aldermen. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-405. Oath of office and bond. The municipal judge shall, before entering upon his duties as such, take an oath before a person authorized to administer to support the Constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. No bond shall be required. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-406. Salary. The salary shall be set by the board of mayor and aldermen before the appointment of the municipal judge and may be altered from time to time. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)

3-407. Absence or disability. The municipal judge shall designate in writing to the board of mayor and aldermen a person to serve as judge in the

event the judge is absent or is disabled and unable to perform his duties as municipal judge. (as added by Ord. #2184, April 2017 *Ch8_08-09-22*)