

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**TOWN JUDGE****SECTION**

- 3-101. Appointment.
- 3-102. Powers.
- 3-103. Qualifications.
- 3-104. At will status.
- 3-105. Vacancies in office.
- 3-106. Oath of office.
- 3-107. Compensation.
- 3-108. Bond.
- 3-109. Absence, disability, etc.

3-101. Appointment. Pursuant to *Tennessee Code Annotated*, §§ 16-18-101, *et seq.*, the Mayor and Board of Alderman of the Town of Trezevant, Tennessee shall appoint the town judge in accordance with this chapter. (2004 Code, § 3-101)

3-102. Powers. The town judge shall be vested with the judicial power and functions of the town recorder prescribed in the town's charter and shall be subject to the provisions of the town's charter governing the Town of Trezevant's town court presided over by the town recorder. (2004 Code, § 3-102)

3-103. Qualifications. The town judge shall be licensed by the State of Tennessee to practice law and shall be a resident of the State of Tennessee. If the town judge for any reason removes his residence from the State of Tennessee, he shall automatically and immediately vacate this office as town judge. (2004 Code, § 3-103)

¹Charter reference
Town court: § 11.

3-104. At will status. The town judge shall be appointed by and serve at the pleasure of the mayor and board of alderman. (2004 Code, § 3-104)

3-105. Vacancies in office. Vacancies in the office of town judge shall be appointed by the mayor and board of aldermen. (2004 Code, § 3-105)

3-106. Oath of office. The town judge shall, before entering upon the duties of this office, take an oath or affirmation before anyone in Tennessee authorized to issue oaths as follows:

I, _____ solemnly swear that I will support the constitution of the United States and of the State of Tennessee and the ordinances of the Town of Trezevant, Tennessee, and that I will administer justice without respect to persons and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as the town judge to the best of my ability. (2004 Code, § 3-106)

3-107. Compensation. The compensation of the town judge shall be fixed from time to time by the mayor and board of alderman. (2004 Code, § 3-107)

3-108. Bond. Bonding will not be required for the town judge. The town recorder will be responsible for handling all monies. (2004 Code, § 3-108)

3-109. Absence, disability, etc. During the absence, disability, or incompetence of the town judge lasting more than thirty days (30) days, the mayor and board of alderman shall appoint a town judge pro tem to serve until the town judge returns to his duties. The judge pro tem shall have all the qualifications of the town judge under this chapter, take the same oath of office, and shall have all the authority and power of the town judge. (2004 Code, § 3-109)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition and remission of fines and costs.

3-203. Disposition and report of fines and costs.

3-204. Disturbance of proceedings.

3-201. Maintenance of docket. The town recorder 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 costs imposed and whether collected; and all other information that may be relevant. (2004 Code, § 3-201, modified)

3-202. Imposition and remission of fines and costs.¹ All fines and costs shall be imposed by the town judge and recorded by the recorder on the town court docket in open court. After any fine and costs have been so imposed and recorded, the town judge or recorder shall have no power to remit or release the same or any part thereof except when necessary to correct an error. (2004 Code, § 3-202)

3-203. Disposition and report of fines 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 the town recorder and paid over daily to the town. At the end of each month, the town recorder shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by the court during the current month and to date for the current fiscal year. (2004 Code, § 3-203)

3-204. 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. (2004 Code, § 3-204, modified)

¹Ordinances, resolutions, etc., providing penalties for specific offenses and court costs are available in the office of the recorder.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion, issue a summons ordering the alleged offender 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 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. (2004 Code, § 3-302, modified)

3-302. 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. (2004 Code, § 3-303)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. 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, Sundays and legal holidays excepted, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (2004 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred fifty dollars (\$250.00) and shall be conditioned that if the circuit 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 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. (2004 Code, § 3-403, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.