

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE AND MUNICIPAL COURT

SECTION

3-101. City judge.

3-101. Municipal court clerk.

3-101. City judge. (1) The City Judge for the Town of Tazewell, Tennessee shall be at least twenty five (25) years of age and shall be a resident of Claiborne County. In the event he or she removes their residency from Claiborne County, he, she shall automatically vacate his or her office.

(2) The city judge shall be appointed or elected for a two (2) year term effective July 01, 2007 and every two (2) years thereafter by the board of mayor and aldermen of the town.

(3) Vacancies in the office of city judge shall be filled by the board of mayor and aldermen of the town.

(4) The compensation of the city judge shall be set at the appointment or the election of the judge and cannot be changed during the term of office.

(5) During the absence or the disability of the city judge, the mayor may appoint a judge pro tem until the next meeting of the board of mayor and aldermen who may appoint a city judge pro tem to serve until the city judge returns to his duties. The judge pro tem shall have all the authorities and the powers of the city judge.

(6) The city judge is an appointed or elected judge and shall have jurisdiction only over violations of the municipal ordinances. (1969 Code, § 1-501, as replaced by Ord. #231, May 2007)

¹Charter references

City Judge--City Court: § 6-4-301.

3-102. Municipal court clerk. (1) The municipal court clerk shall be a town employee designated by the board of mayor and aldermen to serve in this position with the compensation as part of their existing duties.

(2) The municipal court clerk is required to keep all municipal court related records, receipt, deposit all monies collected by the court, make all required state reports and payment of all required state litigation taxes.

(3) The board of mayor and aldermen of the town will make appointment of the municipal court clerk at their will and pleasure or by employee changes. (as added by Ord. #231, May 2007)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of files, 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. (1969 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. 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 justices of the peace¹ for similar work in state cases. (1969 Code, § 1-508)

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 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 non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1969 Code, § 1-511)

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. (1969 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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. (1969 Code, § 1-506)

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. (1969 Code, § 1-503)

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. (1969 Code, § 1-504)

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. (1969 Code, § 1-505)

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 with the city 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. (1969 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days thereafter, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1969 Code, § 1-509)

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 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. (1969 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.