

TITLE 3

MUNICIPAL COURT

CHAPTER

1. MUNICIPAL COURT.

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3-101. Municipal judge. A municipal judge shall by resolution of the board of mayor and aldermen be appointed for a term of one (1) year, which term shall commence on the first day of January. If for any reason the municipal judge is succeeded during the term of his office, the term of his successor shall end on the first day of January of the year succeeding his appointment. However, a municipal judge appointed under any provision of this section shall be permitted to continue to hold office until his successor is appointed by the board of mayor and aldermen. In his absence, or in the event of a vacancy in the office the municipal judge, the mayor shall perform the duties of the municipal judge. (1983 Code, § 1-601)

3-102. Maintenance of docket. The municipal judge shall promulgate rules for his court and 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

¹Charter reference
City Judge -- City Court: 6-4-301.

committed to workhouse; and all other information which may be relevant. (1983 Code, § 1-602)

3-103. Issuance of arrest warrants.¹ The municipal judge and the mayor shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1983 Code, § 1-603)

3-104. Issuance of summonses. When a complaint of an alleged violation is made to the municipal judge or mayor, either may, in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the municipal court at a time specified therein to answer the charges against him. The summons shall contain a brief description of the offense but need not set out verbatim the provisions of the ordinance or state law alleged to have been violated. Upon failure of any person to appear before the municipal 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. (1983 Code, § 1-604)

3-105. Issuance of subpoenas. The municipal 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 subpoena to fail or neglect to comply therewith, and the judge may fine any persons who fail or neglect to comply with such subpoena. (1983 Code, § 1-605)

3-106. Appearance bonds authorized. When the judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, the alleged offender may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the judge, or in the absence of the judge, with the ranking police officer on duty at the time, or may in the discretion of the judge or ranking police officer be released without bond to appear before the municipal court at a day and time certain, provided such alleged offender is not drunk or otherwise in need of protective custody. (1983 Code, § 1-607)

3-107. Imposition of fines, penalties, and costs. All fines and costs shall be imposed and recorded by the municipal judge on the municipal court docket. Penalties and fines shall be imposed by the municipal judge at his discretion in accordance with the provisions of the Jasper Municipal Code. The fees and costs

¹See the Tennessee Code Annotated, title 40, chapter 6, for authority to issue warrants.

shall be assessed in the same amount and the same items allowed as in the Marion County General Sessions Court for similar work in state cases. These costs shall be determined as of the date of trial before the municipal judge and shall specifically include but not be limited to state litigation tax (currently \$29.50), the county litigation tax (currently \$32.50), the clerk's fee (currently \$40.00), the officer's fee (currently \$15.00) and the data processing fee (currently \$2.00). The current court costs will thus be one hundred nineteen dollars (\$119.00). In the municipal court's bill of cost, the charge made by the Marion County General Sessions Court for state and county litigation fees shall be referred to as the Town's litigation fee to the extent same exceeds the amount of litigation required to be remitted by the town to the state, which is currently \$13.75. The municipal judge may at the trial of the case for good cause shown suspend a fine and/or costs, but may at a subsequent date, upon violation of the terms of such suspension reinstate such fine and/or costs. (Ord. # 172, Jan. 1990, as replaced by Ord. #250, Nov. 1999)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within the ten (10)¹ days next after such judgement is rendered, Sundays and legal holidays excepted, appeal to the next term of the Circuit Court of Marion County, upon posting a proper appeal bond. (1983 Code, § 1-609)

3-109. Bond amounts, conditions, and forms. An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal 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 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 Marion County. (1983 Code, § 1-610)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the Town of Jasper. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current fiscal year. (1983 Code, § 1-611)

¹State law reference

Tennessee Code Annotated, section 27-5-101.

3-111. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1983 Code, § 1-612)