

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

MUNICIPAL JUDGE

SECTION

- 3-101. Office of municipal judge created.
- 3-102. [Deleted.]
- 3-103. Term of office; vacancy.
- 3-104. Oath and bond.
- 3-105. Salary.
- 3-106. Absence or disability.

3-101. Office of municipal judge created. Pursuant to the authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the Town of Burns, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted to the recorder under the town's charter, and said judge shall be subject to the provisions of the law governing the recorder's court as set out by the charter. (1980 Code, § 1-501)

3-102. [Deleted]. This section was deleted by Ord. #144, June 2002. (1980 Code, § 1-502, as deleted by Ord. #144, June 2002)

3-103. Term of office; vacancy. The municipal judge shall be appointed by the board of commissioners to serve at their pleasure, and any incumbent judge shall serve until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of commissioners. (1980 Code, § 1-503)

3-104. Oath and bond. The municipal judge shall take the same oath of office as that prescribed for other officers of the town and, shall be bonded in

¹Charter reference: § 12.

the sum of five thousand dollars (\$5,000.00) before assuming the duties of office. The court clerk shall be bonded in the sum of five thousand dollars \$5,000.00) before assuming the duties of office. The cost of said bonds being paid by the Town of Burns. (1980 Code, § 1-504)

3-105. Salary. The salary of the municipal judge shall be fixed by the board of commissioners before his or her appointment, and said salary shall not be altered during the term for which he or she is appointed. (1980 Code, § 1-505)

3-106. Absence or disability. In the absence or during the disability of the municipal judge, the chairman shall serve as judge until such time as the municipal judge shall resume his duties. (1980 Code, § 1-506)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The municipal 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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1980 Code, § 1-507)

3-202. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the municipal judge on the town court docket in open court.

In all cases heard or determined by him, the municipal 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. (1980 Code, § 1-513)

3-203. Disposition of fines and costs. All funds collected by the municipal court in the form of fines, costs, penalties, and forfeitures shall be recorded and deposited in the Town of Burns general fund by the court clerk. A copy of the deposit slip shall be given to the city clerk for entry on the financial statement each month. (1980 Code, § 1-516)

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, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1980 Code, § 1-517)

3-205. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the municipal judge is reasonably available. However, the provisions of this section shall not

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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. (1980 Code, § 1-511)

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 municipal judge, judicial commissioners, court clerk, and chairman shall have the authority to issue warrants for the arrest of persons charged with violating municipal ordinances and state law. (1980 Code, § 1-508)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal 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 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. (1980 Code, § 1-509)

3-303. 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 a subpoena to fail or neglect to comply therewith. (1980 Code, § 1-510)

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 municipal 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 municipal 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. (1980 Code, § 1-512)

3-402. 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, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1980 Code, § 1-514)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the town 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 town 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. (1980 Code, § 1-515)

¹State law reference

Tennessee Code Annotated, § 27-5-101.