

TITLE 3
MUNICIPAL COURT¹

CHAPTER
1. TOWN COURT.

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SECTION

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3-101. Town judge. A town judge who shall preside over and constitute the town court shall be elected in the general election of the town to serve for a term of eight (8) years. The town judge shall be a lawyer licensed to practice law in the State of Tennessee. Compensation of one thousand dollars (\$1,000.00) per month shall be set prior to appointment and shall not be modified during his term. If the town judge resigns, or is otherwise incapacitated during his term, the successor shall be appointed by the mayor and board of commissioners. (modified)

3-102. Maintenance of docket. The town clerk shall keep a complete docket of all matters coming before the municipal court. 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 which may be relevant. (1992 Code, § 1-502, modified)

¹Charter reference
Article VII.

3-103. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1992 Code, § 1-503)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to 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 municipal code or 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. (1992 Code, § 1-504)

3-105. 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. (1992 Code, § 1-505)

3-106. Appearance bonds authorized. When the town 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 town judge or, in the absence of the judge, with the town court clerk, or in the absence of the town court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1992 Code, § 1-506)

3-107. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town clerk, and approved by the town judge, on the town court docket in open court.

In all cases heard and determined by him, the town judge shall impose court costs in the amount of one hundred twenty dollars (\$120.00) in cases of guilty pleas in moving violation cases; one hundred forty dollars (\$140.00) for other state charges, and one hundred five dollars (\$105.00) for moving violations resulting in dismissal and one hundred twenty five dollars (\$125.00) in cases

¹State law reference

For authority to issue arrest warrants see *Tennessee Code Annotated*, title 40, chapter 5.

resulting in dismissal on non-moving charges. One dollar (\$1.00) of the court costs 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. (1992 Code, § 1-507, modified)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1992 Code, § 1-508)

3-109. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town 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 such sum as the town judge shall prescribe, not to exceed 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 or penalty 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 within the county. No other type bond shall be acceptable. (1992 Code, § 1-509)

3-110. Disposition and report of fines, penalties, 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 him and paid over daily to the town. (1992 Code, § 1-510, modified)

3-111. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

¹State law reference

Tennessee Code Annotated, § 27-5-101.