

TITLE 3**MUNICIPAL COURT****CHAPTER**

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4. BONDS AND APPEALS.

CHAPTER 1**CITY JUDGE****SECTION**

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3-101. Office of city judge established. Pursuant to authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the City of Munford, Tennessee, the office of city judge. (1984 Code, § 1-501)

3-102. Judge to have powers and functions provided by charter for mayor's court. The judge shall be vested with the same powers and functions and shall be subject to the same provisions of law and the city's charter governing the mayor's court. (1984 Code, § 1-502)

3-103. Qualifications. The city judge shall be at least twenty-one (21) years of age, and an attorney licensed to practice in the State of Tennessee. (1984 Code, § 1-503)

3-104. Appointment and term of office. The city judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the board. The term shall be for two (2) years, unless sooner removed by the

board, said term beginning at 12:01 A.M., the first day of January, and any incumbent judge shall serve during the term and until his successor is appointed and qualified. (1984 Code, § 1-504, modified)

3-105. Vacancies. Any vacancies occurring in the office of city judge shall be filled by the board of mayor and aldermen for the unexpired term. (1984 Code, § 1-505)

3-106. Oath of office and bond. The city judge shall, before entering upon his duties as such, take an oath before a justice of the peace to support the Constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. He shall post a bond in the amount and in the manner prescribed by the board of mayor and aldermen. The cost of the bond shall be paid by the City of Munford. (1984 Code, § 1-506)

3-107. Salary. The salary shall be set by the board of mayor and aldermen. (1984 Code, § 1-507, modified)

3-108. Absence or disability. The city judge shall designate in writing to the board of mayor and aldermen a person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as city judge. (1984 Code, § 1-508)

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CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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3-203. Disposition and report of fines, 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. (1984 Code, § 1-509)

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 municipal judge may tax an amount of ninety-two dollars (\$92.00) for court costs. (1984 Code, § 1-515, as amended by Ord. #2012-06-01, July 2012)

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 over daily to the city. 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. (1984 Code, § 1-518)

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. (1984 Code, § 1-519)

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

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in a proper condition or is not able to appear before the court. (1984 Code, § 1-513)

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. (1984 Code, § 1-510)

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 appear personally 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. (1984 Code, § 1-511)

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. (1984 Code, § 1-512)

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. (1984 Code, § 1-514)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city 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 (1984 Code, § 1-516)

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 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 located within the county. No other type bond shall be acceptable. (1984 Code, § 1-517)

¹State law reference

Tennessee Code Annotated, § 27-5-101.