

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

1. TOWN JUDGE.
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3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1**TOWN JUDGE****SECTION**

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3-101. Office created. There is hereby created the office of Town Judge of the Town of Gates, Tennessee, who shall be vested with the judicial powers and functions of the mayor of the Town of Gates, Tennessee, and shall be subject to the provisions of law and the town's charter governing the mayor's court presided over by the mayor. (Ord. #90-1, Feb. 1990)

3-102. Qualifications. The town judge shall be a person not less than thirty (30) years of age and licensed to practice law. (Ord. #90-1, Feb. 1990)

3-103. Appointed by board of mayor and aldermen. The town judge shall be appointed by the Board of Mayor and Aldermen of the Town of Gates, Tennessee, to serve at the pleasure of the board. (Ord. #90-1, Feb. 1990)

3-104. Vacancy in office. Any vacancy in the office of town judge shall be filled for the unexpired term by the board of mayor and aldermen. (Ord. #90-1, Feb. 1990)

3-105. Oath. Before entering upon the duties of his office, the town judge shall take an oath or affirmation to support the Constitution of the United States and that of the State of Tennessee, and to administer justice without

respect of persons, and impartially to discharge all the duties incumbent on him as a judge, to the best of his skill and ability. (Ord. #90-1, Feb. 1990)

3-106. Bond. Before entering upon the duties of his office, the town judge shall be bonded as provided by law, and the cost of making the bond of the town judge shall be paid by the Town of Gates. (Ord. #90-1, Feb. 1990)

3-107. Compensation. The salary of the town judge shall be fixed by the board of mayor and aldermen of the Town of Gates, Tennessee, before the judge's appointment, and shall not be altered during the term of office of said judge. In the event the town judge is absent or disabled from carrying out his duties as herein set out, the mayor of the Town of Gates, Tennessee, shall serve as judge, and shall be vested with the same powers as the regular town judge. (Ord. #90-1, Feb. 1990)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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 town 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. (1988 Code, § 1-502)

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

In all cases heard or determined by him, the town 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. (1988 Code, § 1-508)

3-203. 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. 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. (1988 Code, § 1-511)

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. (1988 Code, § 1-512)

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

¹State law reference

Tennessee Code Annotated, § 8-21-401.

disposition of his case, provided the town court is in session or the town 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. (1988 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 town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1988 Code, § 1-503)

3-302. 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 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. (1988 Code, § 1-504)

3-303. 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. (1988 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 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 ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1988 Code, § 1-507)

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 (1988 Code, § 1-509)

3-403. 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 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. (1988 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.