

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

TOWN JUDGE

SECTION

3-101. Town judge.

3-101. Town judge. The town council shall appoint a person to handle judicial matters within the town and to preside over the town court, and the person so appointed shall be known as the town judge. (1978 Code, § 1-501)

¹Charter reference: 3.06.

CHAPTER 2

COURT ADMINISTRATION

SECTION

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

3-201. Maintenance of docket. The docket required to be kept by § 3.06(e) of the town's charter 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. (1978 Code, § 1-502)

3-202. Imposition of fines and costs. All fines 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 justices of the peace¹ for similar work in state cases. (1978 Code, § 1-509)

3-203. 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. (1978 Code, § 1-513)

3-204. 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 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. (1978 Code, § 1-506)

3-205. Court clerk. A town court clerk may be employed to assist the town judge in the issuance of warrants, subpoenas, and summonses; maintenance of the docket books; the receipt and accounting of fines, costs,

¹State law reference

Tennessee Code Annotated, § 8-21-401.

forfeitures; etc. (in accordance with guidelines of the Department of Finance); and other such administrative services as may be required by the town judge. (1978 Code, § 1-512)

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. (1978 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. (1978 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. (1978 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.

3-404. Deposit of operator's or chauffeur's license in lieu of bond.

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. (1978 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 (1978 Code, § 1-510)

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 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. (1978 Code, § 1-511)

3-404. Deposit of operator's or chauffeur's license in lieu of bond. Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-804 any person issued a citation or arrested and charged with the violation of any municipal ordinance of the Town of Huntingdon which regulates traffic, except

¹State law reference

Tennessee Code Annotated, § 27-5-101.

those ordinances which call for the mandatory revocation of his operator's license for any period of time, may have the option of depositing his driver's or chauffeur's license which was issued to him by the Department of Safety of the State of Tennessee or under the driver licensing laws of any other state or territory or the District of Columbia with the officer or court demanding bail in lieu of any other security required for his appearance in the town court in answer to such charge.

Upon the deposit of such license, either the officer or the court shall issue said person a receipt for said license upon the form approved or provided by the Department of Safety of the State of Tennessee. (1978 Code, § 1-508)