

## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

### COURT ADMINISTRATION

#### SECTION

- 3-101. Creation, jurisdiction, etc.
- 3-102. Maintenance of docket.
- 3-103. Trial and disposition of cases.
- 3-104. Imposition and remission of fines and costs.
- 3-105. Disposition and report of fines, penalties, and costs.
- 3-106. Disturbance of proceedings.

**3-101. Creation, jurisdiction, etc.** The officer designated by the municipal charter to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge. (1989 Code, § 1-601)

**3-102. 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 and costs imposed and

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<sup>1</sup>For provisions in the charter with respect to the following, see the sections indicated:

- (1) Board's power to impose fines, forfeitures, etc.: § 5(16).
- (2) Charter and ordinances as evidence. § 23.
- (3) Commission to the workhouse. § 5(20).
- (4) Recorder's judicial powers and duties, etc. § 7.
- (5) Remission of fines and costs, etc. § 3.

For provisions requiring a policeman to attend the city court and serve its process, etc., see chapter 5 in this title.

whether collected; whether committed to workhouse; and all other information that may be relevant. (1989 Code, § 1-602)

**3-103. 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 in a proper condition or is not able to appear before the court. (1989 Code, § 1-606)

**3-104. Imposition and remission of fines and costs.** In no event may the city court impose a fine for violation of a penal ordinance of municipal or state law in excess of fifty dollars (\$50.00) except for moving traffic violations or otherwise set out by Tennessee Code Annotated, § 6-54-308 and as thereafter amended from time to time which is hereby incorporated into the Municipal Code of the Town of Livingston by reference thereto.

All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. After any fine and costs have been so imposed and recorded, the city judge shall have no power to remit or release the same or any part thereof. (1989 Code, § 1-608, as amended by Ord. #1996-2, May 1996, modified)

**3-105. 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 and costs imposed by his court during the current month and to date for the current fiscal year. (1989 Code, § 1-611)

**3-106. 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. (1989 Code, § 1-612)

## CHAPTER 2

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-201. Issuance of arrest warrants.

3-202. Issuance of summonses.

3-203. Issuance of subpoenas.

**3-201. Issuance of arrest warrants.**<sup>1</sup> Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1989 Code, § 1-603)

**3-202. 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 personally appear 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. (1989 Code, § 1-604)

**3-203. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be enable him to equitably dispose of 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. (1989 Code, § 1-605)

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<sup>1</sup>State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

## CHAPTER 3

### BONDS AND APPEALS

#### SECTION

3-301. Appearance bonds authorized.

3-302. Appeals.

3-303. Bond amounts, conditions, and forms.

**3-301. 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. (1989 Code, § 1-607)

**3-302. 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, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1989 Code, § 1-609, modified)

**3-303. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in the sum of one hundred dollars (\$100.00) and shall be conditioned that the defendant shall appear for trial before 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 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:

- (1) In the form of a cash deposit; or
- (2) By any corporate surety company authorized to do business in Tennessee; or
- (3) By two (2) private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. (1989 Code, § 1-610)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 16-18-307.