

## TITLE 3

MUNICIPAL COURT

## CHAPTER

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

## CHAPTER 1

CITY JUDGE

## SECTION

- 3-101. Office established.
- 3-102. Powers.
- 3-103. Board to appoint.
- 3-104. Qualifications.
- 3-105. Term of office.
- 3-106. Vacancies in office.
- 3-107. Oath of office.
- 3-108. Bond required.
- 3-109. Compensation.
- 3-110. Mayor to serve during absence.

3-101. Office established. Pursuant to the authority conferred by Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, and the amendments thereto, that the office of city judge is hereby established. (Ord. #84, Sept. 1975)

3-102. Powers. The city judge shall be vested with all of the judicial powers and functions of the mayor of such municipality, and shall be subject to the provisions of law and the municipality's charter governing the mayor's court or the municipal court presided over by the mayor. (Ord. #84, Sept. 1975)

3-103. Board to appoint. The city judge shall be selected or appointed by the mayor and board of aldermen of the Town of Mason. (Ord. #84, Sept. 1975)

3-104. Qualifications. The person selected or appointed by the mayor and board of aldermen shall be a person of at least twenty-five (25) years of age; and shall have been a resident of the State of Tennessee for at least ten (10) years; and shall have completed at least the twelfth grade in schooling. (Ord. #84, Sept. 1975)

3-105. Term of office. The term of office for city judge shall be two (2) years, said term to begin on October 1, 1975, and shall continue until September 30, 1977, and thereafter for two (2) year intervals; and the city judge shall serve during the term and until his successor is appointed and qualified. (Ord. #84, Sept. 1975)

3-106. Vacancies in office. Any and all vacancies in the office of city judge shall be filled for the unexpired term by the mayor and board of aldermen. (Ord. #84, Sept. 1975)

3-107. Oath of office. The oath of office to be taken by the city judge prescribed and his bonding shall be approved by the mayor and board of aldermen of the Town of Mason, before he shall enter upon the duties of this office. (Ord. #84, Sept. 1975)

3-108. Bond required. The cost of making the bond of the city judge shall be paid by the Town of Mason. (Ord. #84, Sept. 1975)

3-109. Compensation. The salary of the city judge shall be fixed by the mayor and board of aldermen before his appointment, and shall not be altered during the term for which he is appointed. (Ord. #84, Sept. 1975)

3-110. Mayor to serve during absence. The mayor of the Town of Mason shall serve as judge during the absence or disability of the city judge. (Ord. #84, Sept. 1975)

## CHAPTER 2

COURT ADMINISTRATION

## SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

3-203. Disposition and report of 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. (1969 Code, § 1-502)

3-202. Imposition of penalties and costs. All 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 city judge shall tax in the bill of costs seventy-five dollars (\$75.00). (Ord. #128, May 1997, modified)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the city judge in the form of 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 penalties and costs imposed by his court during the current month and to date for the current fiscal year. (1969 Code, § 1-511, modified)

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. (1969 Code, § 1-512)

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 in a proper condition or is not able to appear before the court. (1969 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.<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1969 Code, § 1-503)

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 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. (1969 Code, § 1-504)

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. (1969 Code, § 1-505)

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<sup>1</sup>State 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. (1969 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may appeal to the next term of the circuit court upon complying with the terms of § 11 in the charter. (1969 Code, § 1-509)

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 fixed and conditioned as provided for in § 11 of the charter. 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. (1969 Code, § 1-510)