

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER**

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

**CHAPTER 1****MUNICIPAL JUDGE****SECTION**

3-101. Municipal judge.

**3-101. Municipal judge.** The board of commissioners shall appoint a municipal judge who shall have jurisdiction in and over all cases arising under the laws and ordinances of the city. The municipal judge shall be vested with the judicial powers and functions of the recorder of the municipality and shall be subject to the provisions of law and the city's charter governing the judicial duties of the recorder.

(1) The municipal judge shall be a person over eighteen years of age and shall be a person licensed to practice law in the State of Tennessee.

(2) The municipal judge shall serve at the pleasure of the governing body, and shall be for a term of two years to be coterminous with the election of the board of commissioners. Any vacancy occurring in the office of municipal judge shall be filled for the unexpired term by the board of commissioners.

(3) The municipal judge shall take and subscribe to the oath now required for public officials and shall execute and file a corporate surety bond in the amount of \$5,000.00 before entering upon the discharge of his duties. The premium for said bond shall be paid by the municipality at regular rates therefore.

(4) The salary for the municipality judge shall be fixed by the board of commissioners before his appointment and shall not be altered during his term of service.

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<sup>1</sup>Charter references

Appointed: § 31.

Compensation: § 31.

Powers: § 31.

Term of office: § 31.

(5) When the municipal judge is absent, unavailable or disabled from presiding over the municipal court, the city attorney shall hold court in his place and stead, and shall have the same authority as the regular municipal judge to hold court for the occasion. (Ord. #\_\_\_, Aug. 1987)

## 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.
- 3-206. Clerk of the court.

**3-201. Maintenance of docket.** The municipal 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; and all other information that may be relevant. (Ord. #\_\_, Aug. 1987)

**3-202. Imposition of fines, penalties and costs.** All fines, penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court. In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (Ord. #\_\_, Aug. 1987)

**3-203. Disposition and report of fines, penalties and costs.** All funds coming into the hands of the municipal judge in the form of fines, penalties, costs and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body 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. (Ord. #\_\_, Aug. 1987)

**3-204. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (Ord. #\_\_, Aug. 1987)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 8-21-401.

**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 municipal court is in session or the municipal 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. (Ord. #\_\_\_, Aug. 1987)

**3-206. Clerk of the court.** The city recorder shall be and act as clerk of the municipal court, and shall assist the municipal judge in that capacity as requested. (Ord. #\_\_\_, Aug. 1987)

## 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 municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #\_\_, Aug. 1987)

**3-302. Issuance of summonses.** When a complaint of an alleged violation is made to the municipal 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 municipal 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 municipal 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. (Ord. #\_\_, Aug. 1987)

**3-303. Issuance of subpoenas.** The municipal 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. (Ord. #\_\_, Aug. 1987)

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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.

3-404. Deposit of license in lieu of bail.

**3-401. Appearance bonds authorized.** When the municipal 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 municipal 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. (Ord. #\_\_\_, Aug. 1987)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the municipal 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.<sup>1</sup> (Ord. #\_\_\_, Aug. 1987)

**3-403. Bond amounts, conditions and forms.** An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal 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 the State Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (Ord. #\_\_\_, Aug. 1987)

**3-404. Deposit of license in lieu of bail.** (1) Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

arrested and charged with a violation of any municipal ordinance regulating traffic, except those ordinances and statutes the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, within the corporate limits of the City of Niota or the jurisdiction of its law enforcement agencies, such person shall have the option of depositing his chauffeur's or operators license with the officer or court demanding bail in lieu of any other security required for his appearance in any court of the City of Niota to answer to such charge before the court.

(2) Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

(3) The clerk or judge of the court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear and answer to the charge filed against him and which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.

(4) The provisions of this section are in addition to any other provision of the municipal code and are implemented as an alternative procedure to the other provisions of the code for the purpose of securing the appearance of defendants cited for violations of the municipal code. (Ord. #\_\_\_, Aug. 1987)