

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. City judge.
- 3-102. Qualifications.

**3-101. City judge.** Pursuant to § 6-21-501 of the city's charter the board of commissioners shall appoint a city judge to serve at the will of the board.

A contract covering salary and benefits will be executed between the appointed judge and the city. This contract will be approved by the city

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<sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Compensation: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

commission prior to the judge's appointment becoming effective. (Ord. #3-87, Dec. 1987, as amended by Ord. #3-89, Oct. 1989)

**3-102. Qualifications.** The city judge shall be an attorney licensed to practice in the State of Tennessee. (Ord. #3-87, Dec. 1987)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Disposition and report of fines, penalties, and costs.

3-203. Disturbance of proceedings.

3-204. Penalty.

3-205. Court costs.

3-206. Collection agency to collect unpaid fines, etc.

**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 and costs imposed and whether collected; and all other information that may be relevant. (Ord. #3-87, Dec. 1987, as replaced by Ord. #195-11, March 2011)

**3-202. 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 commissioners 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. #3-87, Dec. 1987)

**3-203. 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. (Ord. #3-87, Dec. 1987)

**3-204. Penalty.** Any person violating the provisions of this chapter shall be punished by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. Each day any violation of the chapter continues shall constitute a separate offense. The imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of any punitive or remedial action where called for or permitted under the provisions of another chapter or other applicable law. (Ord. #3-87, Dec. 1987)

**3-205. Court costs.** (1) Court costs for the City of Piperton Municipal Court are hereby established as one hundred dollars (\$100.00).

(2) Electronic citation regulations and fees.

(a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

(c) Such fee shall be assessable as court cost and paid by the defendant for any offense cited in a traffic citation delivered that, results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. (as added by Ord. #60-05, Aug. 2005, amended by Ord. #97-06, Oct. 2006, replaced by Ord. #224-13, June 2013, and amended by Ord. #241-14, Aug. 2014)

**3-206. Collection agency to collect unpaid fines, etc.** (1) The city, subject to approval of the board of mayor and commissioners, is hereby authorized to solicit and use the services of a collection agency to collect all unpaid fines and costs assessed by the court where such fines and costs have not been collected, one hundred eighty (180) days after contempt hearing date.

(2) The contract with such collection agency shall be in writing and conform to all provisions set forth in Tennessee Code Annotated, § 40-24-105(d). (as added by Ord. #194-11, March 2011)

### 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. (Ord. #3-87, Dec. 1987)

**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 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. (Ord. #3-87, Dec. 1987, as replaced by Ord. #197-11, May 2011)

**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. (Ord. #3-87, Dec. 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. Bond amounts, forms, and conditions.

3-403. Appeals.

**3-401. Appearance bonds authorized.** When the city court is not in session 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 city court clerk, or in the absence of the city court clerk, 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. #3-87, Dec. 1987)

**3-402. Bond amounts, forms, and conditions.** 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 in such sum as the city judge shall prescribe, not to exceed the sum of two hundred 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 shall be made in the form of cash. (as added by Ord. #199-11, May 2011)

**3-403. 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, appeal to the next term of the circuit court upon posting a proper appeal bond. (as added by Ord. #200-11, May 2011)