

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.

3-101. City judge. The officer appointed by the council to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge.<sup>1</sup> (1983 Code, § 1-601, modified)

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<sup>1</sup>Charter reference

City Court: art. III, § 3.05.

Municipal code reference

Records of traffic cases: § 15-110.

## CHAPTER 2

COURT ADMINISTRATION

## SECTION

- 3-201. Hours of court; continuances.
- 3-202. Maintenance of docket.
- 3-203. Imposition of fines, penalties, and costs.
- 3-204. Disposition and report of fines, penalties, and costs.
- 3-205. Disturbance of proceedings.
- 3-206. Payment of fines; execution; stay of execution.

3-201. Hours of court; continuances. The city judge shall open and hold a court for the trial of all persons arrested by the police of the city for the violation of any law or ordinance of the city or state, committed within the corporate limits or within one (1) mile of such limits. Such court shall be opened at 8:30 a.m., or at such other hour as the court may fix, of each day except Sunday, and shall continue in session until all cases submitted for trial or investigation by the judge shall have been tried, examined and disposed of. If, in the opinion of the court any person brought before the court on any charge whatsoever is too intoxicated to properly understand his situation and the trial, the judge may commit such person to the prison room of the city workhouse until he is sober, and the judge may grant continuance in any case upon good cause shown. (1983 Code, § 1-602)

3-202. 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 which may be relevant.<sup>1</sup> (1983 Code, § 1-609)

3-203. Imposition of fines, penalties, and costs. All fines, 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 the same amounts and for the same items allowed in courts of general sessions<sup>2</sup> for similar work in state cases. (1983 Code, § 1-606)

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<sup>1</sup>Charter reference  
City Court: art. III, § 3.05(e).

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 8-21-401.

3-204. 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 city council a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.<sup>1</sup> (1983 Code, § 1-608)

3-205. Disturbance of proceedings. Every person who shall intentionally create a disturbance during the trial of any defendant before the court by loud noise, indecorous or blasphemous language, or other improper conduct, shall be deemed in contempt of court and guilty of a misdemeanor. (1983 Code, § 1-613)

3-206. Payment of fines; execution; stay of execution. Any person fined by the judge may have a stay of execution for thirty (30) days. Such stay shall be granted only when a property owner of the city, approved by the chief or lieutenant of police, agrees in writing to act as security for the fine. The stay granted shall be a confession of judgement on the part of such property owner. Fines so secured may be paid in installments, provided the whole amount is paid within such period of thirty (30) days. At the end of thirty (30) days, if such fine and costs are not paid in full, the judge shall issue an execution against the party fined and the security, which shall be placed in the hands of the chief of police or lieutenant of police for collection and when collected shall be paid to the treasurer as in the case of the collection of other fines. In any case where such fine is not paid or secured as herein provided, the defendant shall be committed to the workhouse and required to work out same as provided by the charter and laws of the city. (1983 Code, § 1-607)

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<sup>1</sup>Charter reference

City court - docket: art. III, § 3.05(d).

## 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. (1983 Code, § 1-610)

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 personally to 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. (1983 Code, § 1-611)

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. (1983 Code, § 1-612)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 40, chapter 6.

## CHAPTER 4

BONDS AND APPEALS

## SECTION

3-401. Confinement upon arrest for misdemeanor; bond.

3-402. Confinement upon arrest for felony; bond.

3-403. Condition, amount of bond; appeal.

3-401. Confinement upon arrest for misdemeanor; bond. All persons arrested for any violation of any law or ordinance of the city or state denominated a misdemeanor, committed within the corporate limits of the city or within one (1) mile of such limits, shall be confined in the city jail and shall remain there until the next meeting of the city court. Any person so arrested and confined shall have the privilege of giving security, approved by the chief or lieutenant of police, for his appearance in the court as provided in this chapter. (1983 Code, § 1-603)

3-402. Confinement upon arrest for felony; bond. All persons charged with a felony shall be immediately confined in the city jail or delivered to the county sheriff or upon proper request may be taken before the city court or court of general sessions for the giving of bond for appearance, as required by state law. (1983 Code, § 1-604)

3-403. Condition, amount of bond; appeal. The chief or lieutenant of police shall have the power to take recognizance or bond of any person arrested for any offense denominated a misdemeanor under the ordinances of the city in a sum not exceeding fifty dollars (\$50.00) nor less than five dollars (\$5.00), with security approved by the chief of police, conditioned that he make his appearance in person or by agent or attorney before the judge at the next meeting of the court, and upon failure to so appear, the bond aforesaid shall be forfeited. For violation of any state law, bond shall be as required by state law. Any person tried and convicted of any misdemeanor before the court and subjected to a penalty thereby, being dissatisfied with the judgement of the court, may, within ten (10)<sup>1</sup> entire days thereafter, Sunday excepted, appeal to the next term of the circuit court of Franklin County, upon giving bond with good and sufficient security approved by the court in the sum of two hundred and fifty dollars (\$250.00), conditioned for his appearance before the circuit court or faithful prosecution of the appeal. (1983 Code, § 1-605)

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<sup>1</sup>State law reference

See Tennessee Code Annotated, § 27-5-101.