

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

TOWN COURT

SECTION

- 3-101. Town judge.
 3-102. Town judge; employment, requirements.

3-101. Town judge. The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge. (2005 Code, § 3-101)

3-102. Town judge; employment, requirements. (1) Pursuant to *Tennessee Code Annotated* §§ 16-18-101, *et seq.*:

(a) The Town Judge for the Town of Erwin shall be at least thirty (30) years of age, licensed in the State of Tennessee to practice law.

(b) The town judge shall be appointed by, and serve at the will and pleasure of, the governing body for a term of one (1) year.

(c) Vacancies in the office of town judge shall be filled by the governing body.

(d) The compensation of the town judge shall be two hundred dollars (\$200.00) per appearance on the bench.

(e) During the absence or disability of the town judge, the governing body may appoint a town judge pro tem to serve until the town judge returns to his/her duties. The judge pro tem shall have all qualifications required of the town judge under this chapter, and shall have all the authorities and powers of the town judge.

(2) Consistent with *Town of South Carthage v. Barrett*, 840 S.W. 2d 895 (Tenn. 1992), the town judge is an appointed judge and shall have

¹Charter reference

Judicial powers: art. 12, § 14.

jurisdiction only over violations of municipal ordinances. (Ord. #641-09, Feb. 2009)

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.

3-201. Maintenance of docket. The court clerk 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. (2005 Code, § 3-201, modified)

3-202. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the court clerk on the town court docket in open court. The maximum penalty for town ordinance violations shall not exceed fifty dollars (\$50.00) for each violation. Each day any violation of the municipal code continues shall constitute a separate offense.

In all cases heard and determined by the city judge, he/she shall impose court costs in the amount of eighty-six dollars twenty-five cents (\$86.25). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks. (2005 Code, § 3-202, as amended by Ord. #642-09, Feb. 2009, modified, as amended by Ord. #739-22, Nov. 2022)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal court judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over promptly to the town or state as appropriate. 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, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (2005 Code, § 3-203, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct. (2005 Code, § 3-204, modified)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion, issue a summons ordering the alleged offender to personally appear before the town 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 town 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. (2005 Code, § 3-302, modified)

3-302. Issuance of subpoenas. The town 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. (2005 Code, § 3-303)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (2005 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in 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 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. (2005 Code, § 3-403, modified)

¹State law reference

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