

**TITLE 3**

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

**CHAPTER**

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

**CHAPTER 1**

**TOWN JUDGE**

**SECTION**

3-101. Town judge.

**3-101. Town judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the town court and shall be known as the town judge. (1997 Code, § 3-101)

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<sup>1</sup>Charter reference

Town judge–Town court: § 6-4-301.

## 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. Failure to appear in municipal court and penalty therefor.
- 3-207. Litigation tax.
- 3-208. Deleted.

**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, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1997 Code, § 3-201)

**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.

In all cases heard and determined by him, the town judge shall impose court costs in the amount of one hundred six dollars (\$106.00). 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 judges and municipal court clerks. (Ord. #15-611, June 2015, modified, as replaced by Ord. #20-440, June 2020 *Ch1\_12-01-22*)

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the town 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 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. (1997 Code, § 3-203)

**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 whatsoever. (1997 Code, § 3-205)

**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 town court is in session or the town 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. (1997 Code, § 3-206)

**3-206. Failure to appear in municipal court and penalty therefor.** Any person who intentionally, knowingly or willingly fails to appear in the municipal court on the date and time specified on a citation or other process issued from the municipal court is guilty of a separate municipal offense, and upon being found guilty shall be punished by a fine of not more than fifty dollars (\$50.00).

**3-207. Litigation tax.** (1) Effective on the first day of the month following the passage of this section, a town litigation tax shall become effective as follows:

On cases in town court there is hereby levied a town litigation tax to match the state litigation tax of thirteen dollars seventy-five cents (\$13.75).

(2) The privilege taxes levied pursuant to this section shall be paid to the town recorder monthly to be used to assist in paying for the operation of the town court and for the police department. (1997 Code, § 3-208)

**3-208. Deleted.** (Ord. #15-410, June 2015, as deleted by Ord. #20-440, June 2020 *Ch1\_12-01-22*)

## 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. (1997 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. (1997 Code, § 3-303)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals and bond amounts.

3-402. Bond conditions.

**3-401. Appeals and bond amounts.**<sup>1</sup> Notwithstanding any law to the contrary, any person dissatisfied with the judgment of a municipal court, in any case or cases heard and determined by the court acting pursuant to *Tennessee Code Annotated*, § 16-18-302(a), may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county, upon giving bond in the amount of two hundred fifty dollars (\$250.00) for the person's appearance and the faithful prosecution of the appeal. As used in this section, person includes, but is not limited to, a natural person, corporation, business entity or the municipality.

**3-402. Bond conditions.**<sup>2</sup> In all cases of bonds, for the prosecution of original suits, or where security is taken or recorded in any court, sufficient security shall be taken by the clerk to pay all costs that may be at any time adjudged against the principal, in the event they are not paid by the principal. Notwithstanding any other law to the contrary, where an attorney undertakes to serve as surety after July 1, 1999, such surety shall only be obligated for amounts required by law or included in the clerk's bill of costs, and shall not be responsible for discretionary costs. In such instances, the clerk may require an additional surety other than the attorney as may be necessary to secure payment for discretionary costs.

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, § 16-18-307

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 20-12-125