

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

**CHAPTER**

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. SUMMONSES AND SUBPOENAS.

**CHAPTER 1****CITY JUDGE<sup>2</sup>****SECTION**

3-101. City judge.

**3-101. City judge.** The city court shall be presided over by a city judge appointed by the board of commissioners. The city judge must be licensed to practice law in the State of Tennessee. (2003 Code, § 3-101, modified)

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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 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.

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

<sup>2</sup>Charter reference

City judge: § 6-21-501 and related Priv. Acts 1974, ch. 275 (page C-59).

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of penalties and costs.
- 3-203. Disturbance of proceedings.
- 3-204. Trial and disposition of cases.
- 3-205. Failure to appear.
- 3-206. Violations and penalty.

**3-201. Maintenance of docket.** The city 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. (2003 Code, § 3-201, modified)

**3-202. Imposition of penalties and costs.** All 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 municipal judge shall tax an amount of one hundred thirty dollars (\$130.00) for court costs. (2003 Code, § 3-202, as amended by Ord. #47-2017, Nov. 2017)

**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. (2003 Code, § 3-203)

**3-204. 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 city court is in session or the city 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. (2003 Code, § 3-204)

**3-205. Failure to appear.** Any person who fails to appear in city court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a civil offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for

each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 3-206)

**3-206. Violations and penalty.** A bond schedule<sup>1</sup> list of penalties against city ordinance violations may be found in the recorder's office.

This does not negate the officer's power of discretion whereby a warning or mandatory court required.

Juvenile tickets (under eighteen (18) must appear with parent). All juveniles living outside Fayette County may pay fines and not have to appear.

Any charge not appearing on the on list is fifty dollars (\$50.00).  
(2003 Code, § 3-205, modified)

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<sup>1</sup>The bond schedule list of penalties, and any amendments, may be found in the recorder's office.

## CHAPTER 3

### SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-303. Officials designated authority to issue citations and summons.

**3-301. 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. (2003 Code, § 3-302, modified)

**3-302. 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. (2003 Code, § 3-303)

**3-303. Officials designated authority to issue citations and summonses.** (1) The fire marshal in the fire department and the code enforcement officer as special police officers have the authority to issue citations.

(2) The fire marshal in the fire department shall have the authority to issue citations for violations of the fire code and the code enforcement officer shall have the authority to issue citations for violations of the building, utility, and residential codes.

(3) The citation shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear in court and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender.

(4) It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation was issued.

(5) Pursuant to *Tennessee Code Annotated*, §§ 7-63-201, *et seq.*, which authorizes the board of mayor and commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas

of sanitation, litter control, and animal control, the board designates the code enforcement officer to issue ordinance summonses in those areas.

(6) These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law, or regulation in the areas of sanitation, litter control, or animal control, may issue an ordinance summons and give the summons to the offender.

(7) The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

(a) Have a summons issued by the clerk of the city court; or

(b) May seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation for the violation.

(8) It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

(9) All ordinances, resolutions, or parts of ordinances and resolutions in conflict herewith are to the extent of such conflict hereby repealed.

(10) This section shall take effect after final passage and publication, the public welfare requiring it. (2003 Code, § 3-304, modified)