

**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. Jurisdiction.

**3-101. City judge.** (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-102. Jurisdiction.** The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

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<sup>1</sup>Charter references

City attorney: § 17.

City court, city judge: § 18.

**CHAPTER 2**

**COURT ADMINISTRATION**

**SECTION**

- 3-201. Maintenance of docket.
- 3-202. Imposition of penalties and costs.
- 3-203. Disposition and report of penalties and costs.
- 3-204. Disturbance of any proceedings.
- 3-205. Failure to appear.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The city court clerk shall assist the judge in keeping the docket. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-202. Imposition of penalties and costs.** All penalties and costs shall be imposed by the judge and recorded by the court police officer on the city court docket in open court.

In all cases heard and determined by him, the city judge shall impose court costs in the following amounts

Court costs	95.25
State litigation tax	13.75

One dollar (\$1.00) of the court costs in each case 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. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the court clerk in the form of penalties, costs, and forfeitures shall be recorded by court clerk and deposited daily into city general fund designated as traffic fines. At the end of each month the court clerk shall submit to the board of mayor and aldermen a report accounting for the collection of all penalties and costs imposed by city court during the current month and to date for the current fiscal year. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-204. Disturbance of any proceedings.** Disturbance of any proceedings is punishable by a fine of fifty dollars (\$50.00), or such lesser

amount as may be imposed in the judge's discretion. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-205. Failure to appear.** Failure of an offender to appear for trial in the city court after the proper issuance of a citation, ordinance summons or subpoena shall constitute a separate violation and cause the court having jurisdiction thereof to issue a warrant against the offender or to issue a notice and citation requiring the offender to appear. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

## 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. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**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 municipal code or 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. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**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. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

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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. Appeals.

3-403. Bond amounts, conditions, and forms.

**3-401. Appearance bonds authorized.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-402. Appeals.** Any person dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>1</sup> thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

**3-403. Bond amounts, conditions, and forms.** (1) Appearance bond. 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.

(2) Appeal bond. An appeal bond in any case shall be two hundred and fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(3) Form of bond. An appearance or 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 within the county;

(4) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency.

(c) The judge finds the defendant is indigent. (as added by Ord. #14-01, March 2014, and replaced by Ord. #16-03, May 2016)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 16-18-307.