

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**MUNICIPAL JUDGE****SECTION**

3-101. Municipal judge.

3-101. Municipal judge. The board of commissioners shall appoint a municipal judge who shall have jurisdiction in and over all cases arising under the laws and s of the city. The municipal judge shall be vested with the judicial powers and functions of the recorder of the municipality and shall be subject to the provisions of law and the city's charter governing the judicial duties of the recorder.

(1) The municipal judge shall be a person over eighteen (18) years of age and shall be a person licensed to practice law in the State of Tennessee.

(2) The municipal judge shall serve at the pleasure of the governing body, and shall be for a term of two (2) years to be coterminous with the election of the board of commissioners. Any vacancy occurring in the office of municipal judge shall be filled for the unexpired term by the board of commissioners.

(3) The municipal judge shall take and subscribe to the oath now required for public officials and shall execute and file a corporate surety bond in the amount of five thousand dollars (\$5,000.00) before entering upon the discharge of his duties. The premium for said bond shall be paid by the municipality at regular rates therefor.

(4) The salary for the municipality judge shall be fixed by the board of commissioners before his appointment and shall not be altered during his term of service.

¹Charter references

Appointed: art. xi.

Compensation: art. xi.

Powers: art. xi.

Term of office: art. xi.

(5) When the municipal judge is absent, unavailable or disabled from presiding over the municipal court, a temporary replacement will be appointed, or it will be rescheduled. (1994 Code, § 3-101, as amended by Ord. #3-172, April 2017, modified)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

3-203. Disposition and report of fines, penalties and costs.

3-204. Contempt of court.

3-205. Trial and disposition of cases.

3-206. City court clerk.

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; and all other information that may be relevant. (1994 Code, § 3-201, modified)

3-202. Imposition of 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.

City court costs shall be in accordance with the following schedule and shall be subject to revision from time to time as the board of commissioners deems necessary:

(1) Fine: Fifty dollars (\$50.00) per violation;

(2) Court cost: One hundred thirty-three dollars and seventy-five cents (\$133.75) per violation; and

(3) Litigation fee: Thirteen dollars and seventy-five cents (\$13.75) added for any moving violation. (1994 Code, § 3-202, as amended by Ord. #20-5, March 2020)

3-203. Disposition and report of fines, penalties and costs. All funds coming into the hands of the city court clerk 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 governing body 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. (1994 Code, § 3-203, as amended by Ord. #3-172, April 2017)

3-204. Contempt of court. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1994 Code, § 3-204, modified)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case; provided the municipal court is in session or the municipal 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. (1994 Code, § 3-205, modified)

3-206. City court clerk. The city court clerk shall be and act as clerk of the municipal court, and shall assist the municipal judge in that capacity as requested. (1994 Code, § 3-206, as amended by Ord. #3-172, April 2017, modified)

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.¹ The municipal judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1994 Code, § 3-301, modified)

3-302. Issuance of summonses. When a complaint of an alleged violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the municipal 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 alleged to have been violated. Upon failure of any person to appear before the municipal 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. (1994 Code, § 3-302)

3-303. Issuance of subpoenas. The municipal 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. (1994 Code, § 3-303)

¹State law reference

For authority to issue warrants, see *Tennessee Code Annotated*, title 40, chapter 6.

CHAPTER 4**BONDS AND APPEALS****SECTION**

3-401. Appeals.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1994 Code, § 3-402)

¹State law reference
Tennessee Code Annotated, § 27-5-101.