

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

COURT ESTABLISHED; TOWN JUDGE¹

SECTION

- 3-101. Court established.
- 3-102. Town judge.
- 3-103. Court costs.

3-101. Court established. The Municipal Court for the Town of Alamo is hereby established as the court having jurisdiction to try persons charged with the violation of municipal ordinances. The court functions shall be carried out as provided in the Municipal Court Reform Act of 2004, *Tennessee Code Annotated*, §§ 16-18-301, *et seq.* (Ord. #02-10-2009A, March 2009)

3-102. Town judge. (1) A town judge shall be appointed by the board of mayor and aldermen to oversee the functions of the Municipal Court of the Town of Alamo for a term of four (4) years. The person appointed to the office of town judge must be a lawyer licensed to practice in the State of Tennessee, and shall be in good standing with the Tennessee Board of Professional Responsibility. The town judge may not be an employee or official of the Town of Alamo. The town judge shall serve at the pleasure of the governing body. A vacancy in the office of town judge shall be filled by mayoral appointment. At the time the town judge is appointed by the mayor, the salary for the office shall be fixed by the governing body and shall not be altered during the judge's term of office.

(2) The town 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 as prescribed by ordinance, and in

¹Charter references

Appointment: § 2.06(13).

Duties, etc.: § 3.04.

accordance with the limitations imposed by the general law. (Ord. #02-10-2009A, March 2009, modified)

3-103. Court costs. Court costs for charges brought against persons for violation of ordinances shall be one hundred five dollars (\$105.00) per case. Of that amount, one dollar (\$1.00) shall be forwarded to the state treasurer for deposit and shall be credited to the administrative office of the courts, as provided in *Tennessee Code Annotated*, § 16-18-304(a). In addition to court costs, the court shall levy state litigation taxes in accordance with the general law and shall forward said amount to the department of revenue, as provided in *Tennessee Code Annotated*, § 16-18-305. (Ord. #02-10-2009A, March 2009, modified)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition and remission of fines and costs.

3-203. Disposition and report of fines 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. (1965 Code, § 1-502, modified)

3-202. Imposition and remission of fines and costs.¹ All fines and costs shall be imposed and recorded by the court clerk the town court docket in open court. After any fine and costs have been so imposed and recorded, the town judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

All costs for the operation of the Town of Alamo, Tennessee, shall be the same as the costs for the General Sessions Court of Crockett County, Tennessee, as those costs are fixed from time to time by the County Court or the Legislature of the State of Tennessee. (1965 Code, § 1-508, as amended by Ord. #____, April 1989, modified)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the town judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the town. 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 and costs imposed by his court during the current month and to date for the current fiscal year. (1965 Code, § 1-511)

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. (1965 Code, § 1-512, modified)

¹Charter reference
Court costs: § 5.

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. (1965 Code, § 1-504, 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. (1965 Code, § 1-505)

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) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1965 Code, § 1-509)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of one hundred dollars (\$100.00) and shall be conditioned that if the circuit court shall find against the appellant the fine 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. (1965 Code, § 1-510, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.