

TITLE 3

MUNICIPAL COURT¹

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.

3-101. City judge. The officer designated as city judge pursuant to the city charter shall preside over the city court, and shall be known as the city judge. (1972 Code, § 1-501)

¹Charter references
Duties of recorder: § 14.
Powers of council: § 6.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Failure or refusal to pay fine.
- 3-205. Disturbance of proceedings.
- 3-206. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket reflecting the following information:

- (1) Name of the defendant,
- (2) Name of witnesses,
- (3) The offense,
- (4) Pleas,
- (5) Date of hearing,
- (6) Finding, and the amount of the fine if such is imposed. (1972 Code, § 1-502)

3-202. Imposition of fines and costs. In all cases in which a fine is imposed, the judge shall record the same on the docket and tax such cost against the defendant as is allowed in courts of the justice of the peace for similar violations. (1972 Code, § 1-508)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over to the municipality daily. 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. (1972 Code, § 1-511)

3-204. Failure or refusal to pay fine. Any person who has been fined by the city judge and who fails or refuses to pay his fine shall be required to perform such work for the city as may be assigned by the city judge and may be credited with two dollars (\$2.00) for each day worked and one dollar (\$1.00) per day for those days not worked. (1972 Code, § 1-507)

3-205. 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 any distracting conduct whatsoever. (1972 Code, § 1-512)

3-206. Trial and disposition of cases. The city judge is empowered to impose fines for any violation of city ordinances. He shall conduct preliminary hearings of alleged violations of state criminal laws pending before the court. In all cases in which the evidence supports probable cause of such violation, he shall bind the violator to the county grand jury under reasonable bond in all cases in which the law provides for bond. (1972 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of warrants.¹ The city judge shall have authority to issue warrants for the arrest of persons charged with violating municipal ordinances and state laws. (1972 Code, § 1-503)

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 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 upon 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. (1972 Code, § 1-504)

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. (1972 Code, § 1-505)

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.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten days (10) next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1972 Code, § 1-509)

3-402. Bond amounts, conditions, and forms. 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.

A person in custody may post a cash bond in an amount equivalent to the maximum fine that may be assessed, with either the judge or the presiding police officer. If such police officer receives a cash bond, he shall in all cases prepare a receipt in duplicate, furnishing the original to the person posting bond, and deliver the cash received and duplicate receipt to the recorder within twenty-four (24) hours. Persons posting cash bonds who fail to appear at his hearing shall forfeit such bond to the court.

An appeal bond shall be in the sum of two hundred and fifty dollars (\$250.00) 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. (1972 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.