

## TITLE 3

MUNICIPAL COURT

## CHAPTER

1. TOWN COURT.
2. CITY JUDGE.

## CHAPTER 1

TOWN COURT<sup>1</sup>

## SECTION

- 3-101. Town judge.
- 3-102. Maintenance of docket.
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- 3-109. Bond amounts, conditions, and forms.
- 3-110. Disposition and report of fines, penalties, and costs.
- 3-111. Disturbance of proceedings.

3-101. Town judge.<sup>2</sup> The recorder shall preside over the town court and shall be known as the town judge. In his absence or disability the mayor shall act as town judge. (1985 Code, § 1-501)

3-102. Maintenance of docket. The town judge 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; whether committed to workhouse; and all other information which may be relevant. (1985 Code, § 1-502)

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<sup>1</sup>Charter reference

City Judge - City Court: 6-4-301.

<sup>2</sup>See Ordinance Number 228-94 (Sept. 1994) of record in the office of the recorder for "an ordinance to provide for the appointment of, and compensation for an alternate judge."

3-103. Issuance of arrest warrants.<sup>1</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating town ordinances. (1985 Code, § 1-503)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 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. (1985 Code, § 1-504)

3-105. 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. (1985 Code, § 1-505)

3-106. Appearance bond authorized. When the town judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1985 Code, § 1-507)

3-107. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed by the town judge and recorded by the court clerk on the town court docket in open court. In all cases heard or determined by him, the town judge shall impose court cost the amount of seventy dollars (\$70.00). Ten dollars (\$10.00) of the court costs shall be designated for technology needs. One dollar (\$1.00) of the court costs 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.

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<sup>1</sup>State law reference

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

(2) (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (1985 Code, § 1-508, as amended by Ord. #267-99, Nov. 1999, Ord. #359-10, Aug. 2010, Ord. #398-14, Dec. 2014, and Ord. #433-19, Aug. 2019)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days<sup>1</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1985 Code, § 1-509)

3-109. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in such sum as the town judge shall prescribe, not to exceed 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 or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. 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 with in the county. No other type bond shall be acceptable. (1985 Code, § 1-510)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, 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 noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1985 Code, § 1-511)

3-111. 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, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1985 Code, § 1-512)

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 27-5-101.

## CHAPTER 2

CITY JUDGE

## SECTION

3-201. Board of mayor and alderman shall appoint the city judge.

3-202. Powers.

3-203. Qualifications.

3-204. Term of office.

3-205. Vacancies in office.

3-206. Oath of office.

3-207. Compensation.

3-208. Bond required.

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3-201. Board of mayor and alderman shall appoint the city judge. Pursuant to Tennessee Code Annotated, § 16-18-101 et seq., the Board of Mayor and Alderman of the Town of Dover, Tennessee, shall appoint the city judge in accordance with this chapter. (as added by Ord. #259-98, Dec. 1998)

3-202. Powers. The city judge shall be vested with the judicial power and functions of the mayor and recorder prescribed in the town's charter, and shall be subject to the provisions of the town's charter governing the Town of Dover court presided over by the recorder and mayor. (as added by Ord. #259-98, Dec. 1998)

3-203. Qualifications. The city judge shall be twenty-five (25) years of age, shall be licensed by the State of Tennessee to practice law and shall be a resident of the State of Tennessee. If the city judge for any reason removes his residence from the State of Tennessee, he shall automatically vacate the office of the city judge. (as added by Ord. #259-98, Dec. 1998, and amended by Ord. #289-03, March 2003)

3-204. Term of office. The city judge shall be appointed by, and serve at the pleasure of, the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-205. Vacancies in office. Vacancies in the office of the city judge shall be filled by the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-206. Oath of office. The city judge shall, before entering upon the duties of this office, take an oath or affirmation, before anyone in Tennessee authorized to issue oaths as follows:

I, \_\_\_\_\_, solemnly swear that I will support the Constitution of the United States and of the State of Tennessee, and the ordinances of the Town of Dover, Tennessee, and that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a city judge to the best of my ability.

(as added by Ord. #259-98, Dec. 1998)

3-207. Compensation. The compensation of the city judge shall be fixed from time to time by the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-208. Bond required. Before assessing his duties, the city judge shall execute a bond with a surety company acceptable to the board of mayor and alderman in the amount of fifty thousand dollars (\$50,000.00), cautioned upon his or her faithful account of all funds coming into his or her hands as city judge. The bond shall be paid for by the town. (as added by Ord. #259-98, Dec. 1998)

3-209. Judge protem. During the absence or disability of the city judge lasting more than thirty (30) days, the board of mayor and alderman shall appoint a city judge protem to serve until the city judge returns to his duties. The judge protem shall have all qualifications of the city judge under this chapter, take the same oath of office, and shall have all the authority and power of the city judge. (as added by Ord. #259-98, Dec. 1998)