

TITLE 3

MUNICIPAL COURT

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. LITIGATION TAX.

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the town shall preside over the city court and shall be known as the city judge. (1978 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

3-204. Disturbance of proceedings.

3-205. Court costs and show cause hearing for violation of traffic laws.

3-201. Maintenance of docket. The city 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. (1978 Code, § 1-502)

3-202. Imposition of fines, 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.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1978 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city 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. (1978 Code, § 1-511)

3-204. 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 by any distracting conduct whatsoever. (1978 Code, § 1-512)

¹State law reference

Tennessee Code Annotated, section 8-21-401.

3-205. Court costs and show cause hearing for violation of traffic laws.

(1) The court costs for violation of town traffic laws are hereby increased to \$100.00.

(2) Any person charged with violating traffic laws in the City Court of Huntland shall be entitled to a show cause hearing for an additional cost of \$10.00. (as added by Ord. #2001-8, Jan. 2002)

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 city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1978 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 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. (1978 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. (1978 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. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city 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 city 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. (1978 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1978 Code, § 1-509)

3-403. 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. An appeal bond in any case shall be in such sum as the city 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 within the county. No other type bond shall be acceptable. (1978 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, section 27-5-101.

CHAPTER 5

LITIGATION TAX

SECTION

- 3-501. Litigation tax.
- 3-502. Collection and disbursement.
- 3-503. Expenditures subject to approval.
- 3-504. Reports and excess funds.
- 3-505. Taxes to be paid only if collected.

3-501. Litigation tax. (1) Effective on the first day of the month following the passage of this section,¹ a city litigation tax shall become effective as follows:

On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of \$13.75.

(2) The privilege taxes levied pursuant to this section shall be paid to the city recorder monthly to be used to assist in paying for the operation of the city court and for the police department. (Ord. #83-2, May 1983, as replaced by Ord. #2001-9, Jan. 2002)

3-502. Collection and disbursement. The town recorder and/or city judge of said court shall collect said litigation tax and shall disburse from the litigation tax collected as follows:

(1) \$2.25 of each litigation tax collected on civil cases shall go to the Town of Huntland Capital Improvement Fund. \$3.00 of each litigation tax collected on civil cases shall go to the Juvenile Alternate School for juvenile offenders of Franklin County, Tennessee.

(2) \$3.00 of each litigation tax collected on criminal cases shall go to the City of Huntland Capital Improvement Fund. \$12.00 of each litigation tax collected on criminal cases shall go to the Juvenile Alternate School for juvenile offenders of Franklin County, Tennessee.

(3) All excess funds paid to the Juvenile Alternate School shall be returned to the Town of Huntland at the end of each year. Refunds shall be on a pro-rata basis based upon contributions from this town and other towns. (Ord. #83-2, May 1983)

3-503. Expenditures subject to approval. All expenditures made by the town from said funds shall be with the approval of the board of mayor and aldermen. (Ord. #83-2, May 1983)

¹This section was passed as Ord. #2001-9, January 21, 2002.

3-504. Reports and excess funds. All reports of funds paid to the Juvenile Alternate School shall be made on a monthly basis and all refunds of excess funds back to the town shall be made on a yearly basis. (Ord. #83-2, May 1983)

3-505. Taxes to be paid only if collected. All litigation taxes contained in this chapter shall not be paid unless actually collected. No liability will exist from the town to the Juvenile Alternate School until said taxes are collected and received by the town. (Ord. #83-2, May 1983)