

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**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.
- 3-102. Appointment and term; qualifications; judge pro term.
- 3-103. Jurisdiction.
- 3-104. Fines.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1964 Code, § 1-501, as replaced by Ord. #05-05, Nov. 2005)

**3-102. Appointment and term; qualifications; judge pro tem.**

(1) Appointment and term. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of mayor and aldermen for a term of two (2) years. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner and for the same term prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of thirty (30) years of age and be licensed by the State of Tennessee to practice law.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all of the qualifications required, and powers, of the city judge. (as added by Ord. #05-05, Nov. 2005)

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<sup>1</sup>Charter reference: § 13.

**1-103. Jurisdiction.** The city 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 of up to fifty dollars (\$50.00), unless otherwise provided by state laws. (as added by Ord. #05-05, Nov. 2005)

**1-104. Fines.** The city judge shall have the authority to try persons charged with violation of municipal ordinance and to impose a fine of up to fifty dollars (\$50.00) for each violation, and each day that a violation continues shall be treated as a separate offense. (as added by Ord. #06-01, Dec. 2006)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

**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; penalties and costs imposed and whether collected; and all other information which may be relevant. (1964 Code, § 1-502, as replaced by Ord. #05-05, Nov. 2005)

**3-202. Imposition of penalties and costs.** All penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard and determined by him, the city judge shall impose court costs of eighty-two dollars and seventy-five cents (\$82.75) and a fifty dollar (\$50.00) fine.

One dollar (\$1.00) of the court costs in each case 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. (1964 Code, § 1-508, as replaced by Ord. #05-05, Nov. 2005, and amended by Ord. #05-06, Nov. 2005, and Ord. #09-01, Jan. 2009)

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the city judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. 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 penalties and costs imposed by his court during the current month and to date for the current year. (1964 Code, § 1-511, as replaced by Ord. #05-05, Nov. 2005)

**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. (1964 Code, § 1-512, as replaced by Ord. #05-05, Nov. 2005)

**3-205. Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city 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. (1964 Code, § 1-506)

## 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.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1964 Code, § 1-503, as replaced by Ord. #05-05, Nov. 2005)

**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 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. (1964 Code, § 1-504, as replaced by Ord. #05-05, Nov. 2005)

**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. (1964 Code, § 1-505, as replaced by Ord. #05-05, Nov. 2005)

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<sup>1</sup>State 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.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license therefore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail of any other security required for his appearance in the city court in answer to such charge before said court.

(2) Receipts to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear-disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-80, et seq. (1964 Code, § 1-507, as replaced by Ord. #05-05, Nov. 2005)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city 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.<sup>1</sup> (1964 Code, § 1-509, as replaced by Ord. #05-05, Nov. 2005)

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<sup>1</sup>State law reference

**3-403. Bond amounts, conditions, and forms.** (1) Appearance bond. 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.

(2) Appeal bond. 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.

(3) Form of bond. 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.

(4) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency. (1964 Code, § 1-510, as replaced by Ord. #05-05, Nov. 2005)

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Tennessee Code Annotated, § 27-5-101.