

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. TOWN COURT.

CHAPTER 1

TOWN COURT

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3-101. Town judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the town court and shall be known as the town judge. (Ord. # 2016-005, June 2016)

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; and all other information which may be relevant. (Ord. # 2016-005, June 2016)

3-103. 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 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

¹Charter reference

Town court: § 3.05.

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 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. (Ord. # 2016-005, June 2016)

3-104. 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. (Ord. # 2016-005, June 2016)

3-105. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town clerk or deputy clerk on the town court docket in open court.

In all cases heard or determined by him, the town 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. (Ord. # 2016-005, June 2016, modified)

3-106. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days² next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (Ord. # 2016-005, June 2016)

3-107. Bond amounts, conditions, and forms. 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 within the county. No other type bond shall be acceptable. (Ord. # 2016-005, June 2016)

3-108. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties,

¹State law reference

Tennessee Code Annotated, § 8-21-401.

²State law reference

Tennessee Code Annotated, § 27-5-101.

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. (Ord. # 2016-005, June 2016)

3-109. 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. (Ord. # 2016-005, June 2016)

3-110. Court costs. The court costs for trial in the Town of Rossville court system shall be ninety dollars (\$90.00) plus town litigation tax as based upon prevailing state litigation tax. (Ord. # 2016-005, June 2016, modified)

3-111. Collection agency to collect unpaid fines, etc. (1) The town is hereby authorized to solicit and use the services of a collection agency to collect all unpaid fines and cost assessed by the court where such fines and cost have not been collected within sixty (60) days after they were due.

(2) The contract with such collection agency shall be in writing and conform to all provisions set forth in *Tennessee Code Annotated*, § 40-24-105(d). (Ord. # 2016-005, June 2016)