

## TITLE 3

MUNICIPAL COURT

## CHAPTER

1. TOWN JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

## CHAPTER 1

TOWN JUDGE

## SECTION

- 3-101. Office of municipal judge established.
- 3-102. Judge to have powers and functions provided by charter for mayor's court.
- 3-103. Qualifications.
- 3-104. Appointment and term of office.
- 3-105. Vacancies.
- 3-106. Oath of office and bond.
- 3-107. Salary.
- 3-108. Absence or disability.

3-101. Office of municipal judge established. Pursuant to authority granted in Tennessee Code Annotated §§ 16-18-101 and 16-18-102, there is hereby created and established for the Town of Whiteville, Tennessee, the office of municipal judge. (1979 Code, § 1-501)

3-102. Judge to have powers and functions provided by charter for mayor's court. The municipal judge shall be vested with the same powers and functions and shall be subject to the same provisions of law and the town's charter governing the mayor's court.<sup>1</sup> (1979 Code, § 1-502)

3-103. Qualifications. The municipal judge shall be at least twenty-one (21) years of age. (1979 Code, § 1-503)

3-104. Appointment and term of office. The municipal judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure

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<sup>1</sup>Charter reference: § 14.

of the board. The term of office shall be for two years, unless sooner removed by the board, said term beginning at 12:01 a.m. the first day of February, and any incumbent judge shall serve during the term and until his successor is appointed and qualified. (1979 Code, § 1-504)

3-105. Vacancies. Any vacancies occurring in the office of municipal judge shall be filled by the board of mayor and aldermen for the unexpired term. (1979 Code, § 1-505)

3-106. Oath of office and bond. The municipal judge shall, before entering upon his duties as such, take an oath before a justice of the peace to support the Constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. He shall post a bond in the amount and in the manner prescribed by the board of mayor and aldermen. The cost of said bond shall be paid by the Town of Whiteville. (1979 Code, § 1-506)

3-107. Salary. The salary shall be set by the board of mayor and aldermen before the appointment of the municipal judge and shall not be altered during the term for which he is appointed. (1979 Code, § 1-507)

3-108. Absence or disability. The municipal judge shall designate in writing to the board of mayor and aldermen a person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as municipal judge. (1979 Code, § 1-508)

## 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.

3-201. Maintenance of docket. The municipal 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. (1979 Code, § 1-509)

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

In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (1979 Code, § 1-515, modified)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal 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. (1979 Code, § 1-518)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1979 Code, § 1-519)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

## 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 municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1979 Code, § 1-510)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to appear personally before the municipal 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 municipal 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. (1979 Code, § 1-511)

3-303. Issuance of subpoenas. The municipal 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. (1979 Code, § 1-512)

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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<sup>1</sup>. When the municipal 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 municipal 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. (1979 Code, § 1-514)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days<sup>2</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1979 Code, § 1-516)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal court at the stated time and place. An appeal bond in any case 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 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. (1979 Code, § 1-517)

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<sup>1</sup>Municipal code reference

Deposit of an operator's or chauffeur's license in lieu of bond for traffic violations: §15-706.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 27-5-101.