TITLE 3

MUNICIPAL COURT[1]

CHAPTER
1. CITY COURT OPERATION.
2. WARRANTS, SUMMONSES AND SUBPOENAS.
3. BONDS AND APPEALS.

CHAPTER 1

CITY COURT OPERATION

SECTION
3-101. Maintenance of docket.
3-102. Imposition of fines, penalties, and costs.
3-103. Disposition and report of fines, penalties, and costs.
3-104. Disturbance of proceedings.
3-105. Trial and disposition of cases.

3-101. 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. (1985 Code, § 1-501)

3-102. 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 sessions for similar work in state cases plus two dollars ($2.00) as a tax on the same.[2]

In addition, each defendant or prisoner detained or jailed in the Marshall County Jail shall have added to his city court bill of costs a lock up fee.

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[1]Charter reference
City court: art. VIII.

[2]Charter reference: art. VIII, § 10.
State law reference
Tennessee Code Annotated, § 8-21-401.

(1) Electronic citation regulations and fees. (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 inTennessee 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, § 1-507, modified, as amended by Ord. #18-05, July 2018)

3-103. 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 city. At the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1985 Code, § 1-510)

3-104. 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. (1985 Code, § 1-511)

3-105. Trial and disposition of cases. Every person charged with violating a municipal ordinance or state law 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. (1985 Code, § 1-505)

CHAPTER 2

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-201. Issuance of arrest warrants.
3-202. Issuance of summonses.
3-203. Issuance of subpoenas.

3-201. Issuance of arrest warrants.[1] The city judge or city court clerk, or in the event of their absence or disability the mayor, shall have the power to issue warrants, except search warrants, for the arrest of persons charged with violating state laws or violating municipal ordinances without arrest when such violations occur within the city limits of the city. The city judge shall have the power to issue search warrants. (1985 Code, § 1-502, modified)

3-202. Issuance of summonses. When complaint of an alleged or state law violation is made, to the city judge, city court clerk, or in their absence the mayor, 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 need not set out verbatim the provisions of this code, ordinance or state law 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. (1985 Code, § 1-503)

3-203. Issuance of subpoenas. The city judge or clerk may subpoena as witnesses all persons upon request of the city attorney, arresting officer or defendant when testimony of such persons is believed to be relevant and material to the matter before the court for which the subpoena is to be issued and shall be unlawful for any person served with a subpoena to fail or neglect to comply therewith. (1985 Code, § 1-504, modified)

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[1]State law reference

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

CHAPTER 3

BONDS AND APPEALS

SECTION

3-301. Appearance bonds authorized.
3-302. Appeals.
3-303. Bond amounts, conditions, and forms.
3-304. Additional court cost.

3-301. 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 as determined by the city judge or committing magistrate, provided such alleged offender is not drunk or otherwise in need of protective custody. (1985 Code, § 1-506, modified)

3-302. 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 circuit court upon posting a proper appeal bond.[1] (1985 Code, § 1-508, modified)

3-303. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge or committing magistrate 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 the sum of five hundred dollars ($500.00) 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 person approved by the circuit court or any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own and pledge real property located within the county. No other type bond shall be acceptable. (1985 Code, § 1-509, modified, as replaced by Ord. #02-06, Aug. 2002

3-304. Additional court cost. (1) Fifteen dollars ($15.00) will be charged as additional court cost in the city court to be used to help defray the expense of purchasing police motor vehicles and related equipment; and

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[1]State law reference
Tennessee Code Annotated, § 27-5-101.

(2) This additional cost shall be separately accounted for in the "Police Motor Vehicle Account" and used solely to help defray the expense of purchasing police motor vehicles and related equipment. (1985 Code, § 1-512)