

## 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.

**3-101. City judge.** (1) There is hereby established and created under the authority of Tennessee Code Annotated § 16-18-101 and § 16-18-102 the office of municipal judge.

(2) The municipal judge shall be vested with the judicial power and judicial functions of the mayor or city recorder of the City of McMinnville, Tennessee, and shall be subject to the provisions of law and the municipality's charter governing the mayor's court or the municipal court presided over by the mayor or the city recorder.

(3) The municipal judge shall be 21 years of age or older; shall have been a citizen and resident of Warren County, Tennessee, for a period of one year prior to assuming office; and a high school graduate.

(4) The municipal judge shall be nominated by the mayor, but shall be appointed by a majority of the members of the board of mayor and aldermen of the City of McMinnville, Tennessee, to serve at the pleasure of the governing body, provided, however, a regular term of service shall be no longer than one (1) year, said term to begin on the first Monday in January of each year at 7:30 p.m. and shall end the first Monday in January one (1) year later at 7:29 p.m. In the event of a failure to appoint a judge when specified, the incumbent judge shall remain in office until his successor is appointed and qualified. The incumbent judge may be removed from office at any time during the term for cause which has been reduced to writing, on the affirmative vote to remove the incumbent judge by five (5)

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<sup>1</sup>Charter references

City Judge--City Court: § 6-4-301.

members of the board of mayor and aldermen at a regular or special meeting of the board of mayor and aldermen.

The incumbent municipal judge may be renominated by the mayor and reappointed by the board of mayor and aldermen and there shall be no limitation as to the number of service terms that any municipal judge may serve.

(5) Any vacancy in the office which occurs by resignation, death, incompetency, or removal for cause by the board of mayor and aldermen shall be filled for the unexpired term by the nomination of the person by the mayor and appointment by the majority of the board of mayor and aldermen.

(6) The person appointed by the board of mayor and aldermen to serve as municipal judge shall, before entering into or upon the duties of this office, take the prescribed oath of office and shall be bonded in the amount of \$5,000.00. The cost of making the bond of the municipal judge shall be paid by the municipality.

(7) The salary of the municipal judge shall be fixed by the board of mayor and aldermen by resolution duly adopted before the judge assumes his duties as judge under this section.

(8) In the event the municipal judge is unable to serve for any reason, sickness, vacation, incompetency, conflict or interest, or recuses himself for any reason, the municipal judge may appoint a special judge, who shall be learned in the law and possesses the same qualifications of the regular municipal judge, said appointment shall be in writing, and the special judge shall take the oath of office prescribed for the regular judge, and the mayor of the City of McMinnville or the recorder of the City of McMinnville may serve as the municipal judge in the absence of the regularly appointed municipal judge.

(9) The recorder is relieved of all duties, powers, and jurisdictions hereby conferred upon the municipal judge in this section and to that extent all ordinances in parts thereof in conflict herewith are repealed, providing, however, the recorder may sit as the municipal judge under this section as special judge. (1982 Code, § 1-701)

## 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. Trial and disposition of cases.
- 3-206. Court costs.

**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 that may be relevant. (1982 Code, § 1-702)

**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 sessions<sup>1</sup> for similar work in state cases. (1982 Code, § 1-708)

**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 city. 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. (1982 Code, § 1-711)

**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

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1982 Code, § 1-712)

**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. (1982 Code, § 1-706)

**3-206. Court costs.** (1) The following sums are hereby established as the costs for cases brought before the City Court of the City of McMinnville, Tennessee:

Bill of Cost

Special Training Program .....	\$ 13.00
Arrest .....	\$ 10.25
Affidavit and Warrant .....	\$ 10.00
Judgment .....	\$ 11.00
Docketing .....	\$ 11.00
Making out Bill of Cost .....	\$ 7.00
Subpoena .....	\$ 7.00
State Tax .....	\$ 13.75

(2) Upon any case brought before the City Court of the City of McMinnville, Tennessee, where a plea of guilty is entered or a finding of violation of a municipal ordinance is entered by the judge, such portion of the above bill of cost as is applicable to that particular case shall be included in the judgment by the court. (1982 Code, § 1-713, as amended by Ord. #1054, Sept. 1992, and Ord. #1374, March 2001)

## 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. (1982 Code, § 1-703)

**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 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. (1982 Code, § 1-704)

**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. (1982 Code, § 1-705)

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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 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. (1982 Code, § 1-707)

**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>2</sup> (1982 Code, § 1-709)

**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 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 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 located within the county. No other type bond shall be acceptable. (1982 Code, § 1-710)

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<sup>1</sup>Municipal code reference

Deposit of operator's or chauffeur's license in lieu of bail in traffic cases:  
§ 15-605.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 27-5-101.