

## TITLE 3

MUNICIPAL COURT<sup>1</sup>

## CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

## CHAPTER 1

CITY JUDGE

## SECTION

3-101. City judge.

**3-101. City judge.** The officer designated by the city charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1975 Code, § 1-501)

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<sup>1</sup>Charter reference: § 25.

## CHAPTER 2

COURT ADMINISTRATION

## SECTION

- 3-201. Maintenance of docket.
- 3-202. Disturbance of proceedings.
- 3-203. Trial and disposition of cases.
- 3-204. Litigation tax.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before the city court. (1975 Code, § 1-502)

**3-202. 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. (1975 Code, § 1-509)

**3-203. Trial and disposition of cases.** Every person charged with violating a city 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. (1975 Code, § 1-505)

**3-204. Litigation tax.** (1) There is hereby levied a privilege tax on litigation of \$5.25 on all suits in the City Court of the City of LaFollette, Tennessee.

(2) Proceeds of this tax shall be paid to the city recorder and shall be deposited in the general fund for the purpose of defraying part of the judicial and law enforcement expense of the city. (Ord. #587, Oct. 1997)

## CHAPTER 3

SUMMONSES AND SUBPOENAS

## SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. 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. (1975 Code, § 1-503)

**3-302. 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. (1975 Code, § 1-504)

## 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.** 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. (1975 Code, § 1-506)

**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> (1975 Code, § 1-507)

**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. (1975 Code, § 1-508)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.