

**TITLE 3**  
**MUNICIPAL COURT**

**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. Appointment.
- 3-102. Qualifications.
- 3-103. Judge ProTem.
- 3-104. Jurisdiction.

**3-101. Appointment and Term.** Designated by the Charter to handle judicial matters within the City shall be appointed by the Board of Mayor and Aldermen to serve a four (4) year term. (Ordinance 2013-08, April 2013) Permanent vacancies in the office of the City Judge arising from resignation, disqualification or for any other reason whatsoever shall be filled in the same manner and for the same term prescribed for the appointment of the City Judge. (Ordinance #1999-01, March 1999)

**3-102. Qualifications.** The City Judge shall be a minimum of twenty-six (26) of age, be licensed by the State of Tennessee to practice law, and maintain his/her primary law office in Cocke County, Tennessee. If the City Judge for any reason removes his/her primary law office location from Cocke County, Tennessee after his/her appointment, the removal of his/her primary law office shall automatically create a vacancy in the office of city judge. (Ordinance #1999-01, March 1999)

**3-103. Judge Pro Tem.** During the absence (consisting of 30 days or less) of the City Judge from his/her duties for any reason or at any time the office of the City Judge is vacant, the Board of Mayor and Aldermen may appoint a City Judge pro tem to serve until the City Judge

returns to his/her duties or the office of City Judge is no longer vacant. The City Judge pro tem shall have all the qualifications required, and powers, of the city judge. (Ordinance #1999-01, March 1999)

**3-104. Jurisdiction.** The City Judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500. (Ordinance #1999-01, March 1999)

## 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 City Judge shall keep a complete docket of all matters coming before him/her in his/her judicial capacity. The docket shall include for each defendant such information as his/her 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. (Ordinance #1999-01, March 1999)

**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 and determined by him/her, 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.

The City Judge shall impose an offender based fee per paid violation to offset the installation, maintenance and support fee for the Municipal Court system. (Ordinance #1999-01, March 1999, Ordinance #2017-11 July 2017)

**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 non-collection of all penalties and costs imposed by his/her court during the current month and to date for the current fiscal year. (Ordinance #1999-01, March 1999)

**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 noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (Ordinance #1999-01, March 1999)

**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.** The City Judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ordinance #1999-01, March 1999)

**3-302. Issuance of Summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his/her 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/her. The summons shall contain a brief description of the offense charged but need not 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 city court as commanded in a summons lawfully served on him/her, 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. (Ordinance #1999-01, March 1999)

**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/her court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ordinance #1999-01, March 1999)

## 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.**

(1) **Deposit Allowed.** Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his/her chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his/her appearance in the city court of this/her city in answer to such charge before said court. (Ordinance #1999-01, March 1999)

(2) **Receipt to be Issued.** Whenever any person deposits his/her chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face. (Ordinance #1999-01, March 1999)

(3) **Failure to Appear - Disposition of License.** In the event that any driver who has deposited his/her chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him/her, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (Ordinance #1999-01, March 1999)

**3-402. Appeals.** Any person 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. Tennessee Code Annotated, § 16-18-307, et seq. (Ordinance #1999-01, March 1999)

**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 such sum as the City Judge shall prescribe two hundred and fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal, 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/her 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. (Ordinance #1999-01, March 1999)