

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. COURT ADMINISTRATION.
2. WARRANTS, SUMMONSES AND SUBPOENAS.
3. BONDS AND APPEALS.
4. FINES AND COSTS.

CHAPTER 1

COURT ADMINISTRATION

SECTION

- 3-101. Maintenance of docket.
- 3-102. Imposition and remission of fines and costs.
- 3-103. Disposition and report of fines and costs.
- 3-104. Disturbance of proceedings.
- 3-105. Trial and disposition of cases.
- 3-106. Class C misdemeanors; driver education; fees.

3-101. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1982 Code, § 1-301)

3-102. Imposition and remission of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. After any fine and costs have been so imposed and recorded, the city judge shall not remit or release the same or any part thereof except when necessary to correct an error.² (1982 Code, § 1-307)

3-103. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall

¹Charter references

City court: § 6-33-103.

City judge: §§ 6-33-102 and 6-33-104.

²State law reference

Tennessee Code Annotated, § 8-21-401.

be recorded by him and paid over daily to the city treasury. At the end of each month he shall submit to the 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. (1982 Code, § 1-310)

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. (1982 Code, § 1-311)

3-105. 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. (1982 Code, § 1-305)

3-106. Class C misdemeanors; driver education; fees. The terms and provisions as set forth in Tennessee Code Annotated, § 55-10-301 and all amendments thereof, are hereby adopted and ratified as though copied verbatim herein, together with all future amendments of this state law and are made a part hereof by reference. All fees generated pursuant to this program shall be allocated in the same ratio as the fines and fees of the city court. (Ord. #34-14, Nov. 1998)

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 shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1982 Code, § 1-302)

3-202. 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 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 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, § 1-303)

3-203. 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, § 1-304)

¹State 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.

3-301. 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 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, § 1-306)

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 next term of the circuit court upon posting a proper appeal bond.¹ (1982 Code, § 1-308)

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 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, § 1-309)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 4**FINES AND COSTS****SECTION**

3-401. Fines and costs.

3-401. Fines and costs. The municipal court of the City of Elizabethton, Tennessee shall assess the following fines and costs, to-wit:

<u>OFFENSE</u>	<u>FINE</u>	<u>COST</u>
ABANDONED VEHICLE	\$30.00	\$25.00
ALCOHOL-OPEN CONTAINER	\$50.00	\$50.00
ANTI-NOISE VIOLATION	\$30.00	\$50.00
FAILURE TO MAINTAIN CONTROL	\$50.00	\$50.00
FAILURE TO YIELD-NO CONTACT	\$40.00	\$50.00
FAILURE TO YIELD-WITH CONTACT	\$50.00	\$50.00
FAILURE TO YIELD TO EMERGENCY LIGHTS	\$50.00	\$50.00
FOLLOWING TOO CLOSE-NO CONTACT	\$40.00	\$50.00
FOLLOWING TOO CLOSE-WITH CONTACT	\$50.00	\$50.00
IMPROPER DISPLAY OF TAGS-FIRST OFFENSE	\$10.00	\$-0-
IMPROPER DISPLAY OF TAGS-SECOND OFFENSE	\$20.00	\$-0-
IMPROPER SAFETY EQUIPMENT	\$35.00	\$50.00
PARKING-BLOCKING STREET/LANE OF TRAFFIC	\$10.00	\$10.00
PARKING-DOUBLE PARKING	\$10.00	\$10.00
PARKING-FIRE ZONE/FIRE HYDRANT	\$50.00	\$10.00
PARKING-HANDICAP ZONE	\$50.00	\$10.00
PARKING-NO PARKING ZONE	\$10.00	\$10.00
PARKING-TOW AWAY ZONE	\$10.00	\$10.00
PASSING ON DOUBLE LINE	\$40.00	\$50.00

<u>OFFENSE</u>	<u>FINE</u>	<u>COST</u>
REGISTRATION LAW VIOLATION	\$40.00	\$50.00
RESTRAINT-VIOLATION CHILD RESTRAINT	\$50.00	\$-0-
RESTRAINT-VIOLATION SEATBELT-FIRST OFFENSE	\$10.00	\$-0-
RESTRAINT-VIOLATION SEATBELT-SECOND OFFENSE	\$20.00	\$-0-
SAFETY GLASS VIOLATION	\$50.00	\$50.00
SPEEDING	\$40.00	\$50.00
SPEEDING-20 MPH OVER SPEED LIMIT	\$50.00	\$50.00
STOP SIGN/RED LIGHT VIOLATION	\$50.00	\$50.00
TURNING VIOLATION-ILLEGAL U-TURN	\$40.00	\$50.00
TURNING VIOLATION-IMPROPER TURN	\$40.00	\$50.00
VIOLATION OF MUNICIPAL CODE/ORDINANCES	\$40.00	\$25.00
WINDOW TINTING VIOLATION	\$50.00	\$50.00
WRONG WAY ON ONE-WAY STREET	\$40.00	\$50.00

In addition to the fine and court costs hereinabove set forth, on each offense, there shall also be imposed the state litigation tax as set forth in Tennessee Code Annotated, § 67-4-602. (Ord. #30-17, Sept. 1994, as amended by Ord. #37-23, Dec. 2001, and Ord. #43-3, Feb. 2007)