

TITLE 3

MUNICIPAL COURT

CHAPTER

1. TOWN COURT.

CHAPTER 1¹

TOWN COURT

SECTION

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3-101. Town judge. The officer designated by the charter to handle judicial matters within the Town of Selmer shall preside over the town court and shall be known as the town judge. (Code of 1977, § 1-701)

3-102. Maintenance of docket. The town 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. (Code of 1977, § 1-702)

¹See also, section 23 of the charter, for Appointment and Duties of City Trial Judge.

3-103. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating town ordinances. (Code of 1977, § 1-703)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 town 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 town 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. (Code of 1977, § 1-704)

3-105. Issuance of subpoenas. The town 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. (Code of 1977, § 1-705)

3-106. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town 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. (Code of 1977, § 1-706)

3-107. Appearance bonds authorized. When the town 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 town 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. (Code of 1977, § 1-707)

¹See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

See also, section 23 of the charter, for Appointment and Duties of City Trial Judge.

3-108. Imposition of fines, penalties, costs, and litigation tax. All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court.

In all cases or determined by him, the municipal judge shall tax an amount of seventy-five dollars (\$75.00) for court costs.

On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents (\$13.75). (Code of 1977, § 1-708, as replaced by Ord. #504, March 2004, Ord. #523, Nov. 2005, and Ord. #541, Aug. 2006)

3-109. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (Code of 1977, § 1-709)

3-110. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town 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 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 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. (Code of 1977, § 1-710)

3-111. Disposition and report of fines, penalties and, costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the Town of Selmer. 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 fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (Code of 1977, § 1-711)

3-112. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (Code of 1977, § 1-712)

¹See section 27-5-104, Tennessee Code Annotated.