

TITLE 3

MUNICIPAL COURT

CHAPTER

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2. TOWN JUDGE.
3. TOWN COURT CLERK.
4. TRAFFIC SCHOOL.

CHAPTER 1¹TOWN COURT ADMINISTRATION²

SECTION

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3-101. Establishment of full-time town court. A full-time town court for the Town of Smyrna, Tennessee is established. The town judge is prohibited from the practice of law or performing any of the functions of attorney or counsel, in any of the courts of this state and shall devote his/her full working time and attention to the business and affairs of the town court. The town judge and town court clerk shall devote their full working time and attention to the business and affairs of the office of town judge and town court clerk. (Ord. #06-28, May 2006, modified)

¹A schedule of fines, clerk's costs and court costs is of record in the office of the town clerk.

²For other provisions with respect to the town court and town judge see the charter, particularly art. IX.

3-102. Maintenance of dockets. The town court clerk shall keep a complete docket of all matters coming before the court. The docket shall include for each defendant such information as name, warrant and/or summons numbers, alleged offenses, disposition, penalties and costs imposed and whether collected, and all other information that may be relevant. (1991 Code, § 3-102, modified)

3-103. Issuance of arrest warrants. The town judge and judicial commissioners shall have the power to issue warrants for the arrest of persons charged with violating town ordinances and state crimes committed within the corporate town limits. (1991 Code, § 3-103)

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 municipal code or 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. (1991 Code, § 3-104)

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. (1991 Code, § 3-105)

3-106. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to a trial and disposition of his case. When an alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court, trial shall be set at such a time when the alleged offender is not incapacitated and is able to appear before the court. (1991 Code, § 3-106)

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 court clerk or, in the absence of the town court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. The appearance bond 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. The 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.

When a police officer accepts a bond he shall give a receipt therefor and turn the bond over to the town court clerk within twenty-four (24) hours. (1991 Code, § 3-107)

3-108. Imposition of fines, penalties, and costs. (1) All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.¹ In all cases heard and determined by the judge, the town judge may tax in the bill of costs the same amounts and for the same times allowed in courts of general sessions for similar work in state cases.

(2) The town court judge is hereby authorized to charge as court costs fees as set forth in the fee schedule and adopted in accordance with the annual budget ordinance to all community service workers assigned to perform community service by the Smyrna Town Court and the Smyrna General Sessions Court to defray the costs of supervision and administration. (1991 Code, § 3-108)

3-109. Appeals. (1) Appeals from municipal court judgments. Any defendant who is dissatisfied with any judgment of the town municipal court against him may, within ten days thereafter, Sundays exclusive, appeal to the circuit court of the county, upon giving and posting a proper appeal bond in the amount of \$250.00 for such person's appearance and the faithful prosecution of the appeal in accordance with Tennessee Code Annotated, §16-18-307 and upon payment of filing fees as assessed by the Rutherford County Circuit Court.

(2) Appeals from general sessions court judgments. Any defendant who is dissatisfied with any judgment of the town court sitting in its capacity as a general sessions court may appeal in accordance with state law. (1991 Code, § 3-109)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town court clerk from violations of town ordinances or from violations of state law, in the form of fines, penalties, costs and

¹Ord. #01-24, Sept. 2001, increases the transportation fee for the transportation of prisoners to and from the Smyrna Town Court to \$35.00.

forfeitures, shall be recorded by the clerk and paid to the Town of Smyrna. At the end of each month the town court clerk shall certify to the town manager the town court clerk's accounting for the collection or non-collection of all fines, penalties, costs and forfeitures imposed by the court, both municipal and general sessions dockets during the current month and to date for the current fiscal year. This provision will not affect the payment of statutorily designed fines which are payable to the State of Tennessee. (1991 Code, § 3-110)

3-111. 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. (1991 Code, § 3-111)

3-112. Employees in the judicial and courts departments. All personnel in the Judicial and Courts Departments, except elected officials, are deemed employees of the Town of Smyrna and as such are required to abide by all terms of the Town of Smyrna Employee Handbook, as well as any policies and procedures related to employment with the Town of Smyrna. The town judge and the town court clerk shall act as directors of their respective departments, subject to employment and employee-related decisions being subject to approval by the Town Manager in accordance with the provisions of the Charter of the Town of Smyrna.

3-113. Failure to appear. Any person who fails to appear in town court to answer a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a separate civil offense punishable under the general penalty clause of this code. Such a failure to appear would also be punishable as contempt under Tennessee Code Annotated, §29-9-187.