

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO ADOPT AND APPROVE AN
ORDINANCE RELATING TO THE MUNICIPAL COURT
AND PROVIDING FOR THEIR INCLUSION AND
IDENTIFICATION IN THE FUTURE DEVELOPED CODE
OF ORDINANCES FOR THE CITY OF SANDY SPRINGS, GA
TO BE REFERENCED IN THE FUTURE AS
CHAPTER 4 (MUNICIPAL COURT) AS ATTACHED HERETO
AND INCORPORATED HEREIN, AND REPEALING
CHAPTER 10, COURTS, CODE AND LAWS OF FULTON
COUNTY, GA, PART I, LOCAL GOVERNMENT**

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on December 1, 2005 at 7:00 p.m. as follows:

SECTION 1. That the Ordinance relating to the Municipal Court is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. That this Ordinance shall be designated as Chapter 4 of the Code of Ordinances of the City of Sandy Springs, GA; and,

SECTION 3. This Ordinance is effective December 1, 2005; and,

SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 1st day of December, 2005.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



Chapter 4: Municipal Court

Article 1: General Provisions

Section 1: Creation of the Court

In accordance with the Section 4.01 of the Charter, the City hereby creates the Municipal Court of the City of Sandy Springs. The powers and jurisdiction of said Court are described in that section and Section 4.04 of the Charter.

Section 2: Judge and Judge Pro-Tem

- (a) In accordance with Section 4.02 of the Charter, the Council shall appoint the Municipal Court Judge with compensation to be fixed by the Council.
- (b) In accordance with Section 4.02 of the Charter, the Council shall also appoint a Judge Pro Tem to serve as requested by the Municipal Court Judge.
- (c) The Municipal Court Judge and the Judge Pro Tem shall serve a term of 4 years and may be reappointed to consecutive terms thereafter.
- (d) The Municipal Court Judge and Judge Pro Tem may only be removed in accordance with the provisions of Section 4.02(d) of the Charter.

Section 3: Additional Personnel

- (a) Clerk of the Court. The City Manager shall have the authority to hire/fire a Municipal Court Clerk.
- (b) Police. Officers of the City of Sandy Springs Police Department or the Fulton County Police Department or Fulton County Sheriff's Department or any other law enforcement officer may execute warrants and other writs in furtherance of the Court's jurisdiction and orders.
- (c) Bailiff. At least one Police Department Officer or Officer from the Fulton County Sheriff's Department will serve as a Bailiff whenever the Municipal Court is in session.
- (d) Solicitor. In accordance with Section 3.08 of the Charter, the City Attorney may be the prosecuting officer or solicitor in the Municipal Court. The Council may also, from time to time, appoint and contract with other attorneys who are members of the State Bar of Georgia to serve as a prosecuting attorney in Municipal Court. The compensation of said attorney or attorneys shall be determined by the Council.

Section 4: Additional support

- (a) Indigent Defense. The City of Sandy Springs shall provide indigent defendants with counsel as provided by state law.

(b) Translator. The City of Sandy Springs may provide translation services as required by state law.

Section 5: Court Sessions

The Court shall be in session at least 1 day per month and other times as determined necessary by the Municipal Court Judge to keep the Court dockets current.

Section 6: Court Fees

(a) The Municipal Court Judge may recommend a schedule of fees to assist the Court in its operation and budget. The Council must approve any such schedule, but if the Council does not act within 30 days of the Court's recommendation, the fee schedule will become effective.

(b) The Council may set City fines for violations of City ordinances.

Article 2: Trials and Judgments

Section 1: Rules

The Municipal Court Judge shall adopt specific rules of procedure. No rules shall be inconsistent with the laws of Georgia or the Constitution of the United States. Such rules shall be made available on the City website or by other means determined by the Council.

Section 2: Contempt of Court

The Court may find persons in contempt of court and punish said persons in accordance with Section 4.04 of the Charter.

Section 3: Fines

(a) For fines that may be due by any defendant, execution may be issued by the Court Clerk and collected as provided by law. The Municipal Court shall have the discretion to enter fines consistent with this Code of Ordinances, Georgia and federal law.

(b) Persons charged with traffic violations or other offenses as specified by the judge may, prior to the time for their court appearance, plead guilty in writing and pay to the City as their fine the amount set as the appearance bond for the offense charged. Those persons charged with driving under the influence of alcohol or drugs and other serious offenses, as determined by the Municipal Court Judge, shall be required in all cases to appear before the court for disposition of the case.

Section 4: Sentences

In addition to any applicable fines, and upon a judgment or plea of guilty or pre-trial diversion, the Municipal Court Judge may impose sentence of confinement, compulsory work, or both; commit the defendant to confinement, compulsory work or both; suspend the execution of the sentence in whole or in part; place the defendant on probation; or defer the execution of the sentence or any portion or portions thereof to one or more fixed dates in the future. Sentences shall not exceed those set by the Council.

Section 5: Appeals

Unless specified elsewhere in the Code or Charter, all appeals from decisions of the Municipal Court shall be appealable, by right of certiorari, to the Superior Court of Fulton County under the laws of Georgia regulating the granting and issuance of writs of certiorari.

Article 3: Bail

Section 1: General Provisions

Bail and bond considerations must be consistent with Section 4.04(c) of the Charter.

Section 2: Minor Traffic Offenses

- (a) Pursuant to O.C.G.A. § 17-6-11 any person cited for a traffic offense shall be released in lieu of bail upon showing his or her drivers license. This provision does not apply to any charges of driving under the influence or other serious offenses designated by the municipal judge.
- (b) All persons arrested or notified by citation or ticket of parking violations shall be released on their own recognizance.

Section 3: Professional Bondsmen

No professional bondsman shall be accepted as surety on a bail bond unless he holds a current business license in the City, is approved by the Chief of Police, and has fully complied with all other City requirements for bonding companies.

Section 4: Failure or Refusal to Give Bond

If the accused or a witness shall fail or refuse to give the bond and security as required under this Article, the person so failing or refusing may be confined or kept under guard, so as to be present to abide the trial or to testify as the case may be.