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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** October 28, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Ordinance Amending Chapter 30, Article III, Sec. 30-70 of the City of Sandy Springs Code of Ordinances Relating to Court Procedure; and for Other Purposes

**MEETING DATE:** For Submission onto the November 4, 2014, City Council Work Session Agenda

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**BACKGROUND INFORMATION:** *(Attach additional pages if necessary)*

See attached:

Memorandum  
Ordinance Amendment

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**CITY MANAGER APPROVAL:** \_\_\_\_\_

**PLACED ON AGENDA FOR: 11/4/2014**

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:** \_\_\_\_\_



**To:** Honorable Mayor and City Council Members

**From:** Wendell K. Willard

**Date:** For Submission onto the November 4, 2014 City Council Work Session Agenda

**Agenda Item:** Ordinance Amending Chapter 30, Article III, Sec. 30-70 of the City of Sandy Springs Code of Ordinances Relating to Court Procedure; and for Other Purposes

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**City Attorney's Recommendation:**

The City Attorney's Office recommends that City Council approve the attached ordinance amendment.

**Background and Discussion:**

Sec. 30-70 of Chapter 30, Article III of the Code of Ordinances contains provisions for failure of a defendant to appear in Municipal Court to answer charges against him or her; however, the language of Sec. 30-70 is not clear that it applies to failure to appear for any noticed appearance, and not just for notice to appear for trial. The attached amendment will clarify the language in that regard.

**Alternatives:**

There are no alternatives; this provision should be clarified.

**Attachment:**

Ordinance amendment.

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE AMENDING CHAPTER 30, ARTICLE III, SEC. 30-70 OF THE CITY OF SANDY SPRINGS CODE OF ORDINANCES RELATING TO COURT PROCEDURE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Sandy Springs (“City”) has heretofore adopted an ordinance for Court Procedure, codified as Chapter 30, Article III of the City of Sandy Springs Code of Ordinances (the “Code”); and

**WHEREAS**, Sec. 30-70 of the Code contains provisions for failure of a defendant to appear in Municipal Court to answer charges against the defendant; and

**WHEREAS**, the City desires to amend language contained in Sec. 30-70 to clarify that the provisions apply to failure of a defendant to appear in municipal court for any noticed appearance, not limited to appearance for trial; and

**WHEREAS**, the Mayor and City Council have determined that it is appropriate to amend Sec. 30-70 of the Code to so clarify the language;

**NOW, THEREFORE**, the Mayor and City Council of the City of Sandy Springs hereby ordain that Chapter 30, Article III of the Code is hereby amended by deleting Sec. 30-70 in its entirety and substituting in lieu thereof the following:

**“Sec. 30-70. Same-Failure to appear.**

It shall be unlawful for any defendant lawfully summoned to answer charges in the municipal court to either fail, neglect or refuse to appear at the time and place specified in the summons or fail to provide a satisfactory explanation for this absence. Failure to appear in municipal court for any noticed appearance may be cause for the court to continue the case until such time as the court shall direct, and the court may issue an order requiring the police chief, or other members of the department of police, to arrest the defendant and bring the defendant before the court to answer both the initial charges and the charge for failing to appear. The chief of corrections shall keep the defendant in custody until the defendant is brought before the court, unless the defendant posts bond for appearance, as provided by law. **Nothing herein stated shall be construed to abridge the right of the solicitor to bring an action against the defendant.”**

This Ordinance shall become effective immediately upon its adoption by City Council. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

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Russell K. Paul, Mayor

ATTEST:

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Michael Casey, City Clerk

(SEAL)