



1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF AMENDING THE TITLES OF PERSONS**
3 **SERVING AS ANY MUNICIPAL COURT JUDGE PURSUANT TO ARTICLE IV OF**
4 **THE CITY CHARTER**

5 **WHEREAS**, Article IV of the Charter of the City of Stonecrest, Georgia (the "City Charter")
6 provides for the qualifications and duties of judges serving as any municipal court
7 judge of the City of Stonecrest; and

8
9 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire rename the title of the
10 judges of serving as municipal court judges of the City of Stonecrest; and

11
12 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that the
13 City Charter should be amended by Home Rule to make the necessary change;
14 and

15
16 **WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
17 which is titled Home Rule for Municipalities, allows the General Assembly of the
18 State of Georgia to provide by law for the self-government of municipalities,
19 which the General Assembly has done with the Municipal Home Rule Act of
20 1965, provided in O.C.G.A. 36-35-1 *et seq.*;

21
22 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances
23 duly adopted at two (2) regular consecutive meetings of the municipal governing
24 authority, not less than seven (7) nor more than sixty (60) days apart; and

25
26 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed
27 amendment to be published in a newspaper of general circulation in the municipal
28 corporation once a week for three (3) weeks within a period of sixty (60) days
29 immediately preceding its final adoption; and

30
31 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of
32 the proposed amendment is on file in the office of the clerk of the municipal
33 governing authority and in the office of the clerk of the superior court of the
34 county of the legal situs of the municipal corporation for the purpose of
35 examination and inspection by the public; and

36
37 **WHEREAS**, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a
38 newspaper of general circulation in the municipal corporation once a week for
39 three (3) weeks prior to its final adoption, and a copy of the proposed amendment
40 has been placed on file in the Office of the Clerk of the City of Stonecrest and in

41 the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required
42 by Georgia law; and

43
44 **WHEREAS**, the required notice will have been published within the statutory period of sixty
45 (60) days immediately preceding the final adoption of this Ordinance amending
46 the City Charter; and

47
48 **WHEREAS**, the title of this Ordinance shall have been read and this Ordinance duly adopted at
49 two consecutive City Council meetings not less than seven (7) nor more than sixty
50 (60) days apart as required by Georgia law.

51
52 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
53 follows:

54 **Section 1:** That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:
55 Section 4.02, Section 4.03 and Section 4.06 of Article IV of the City Charter is amended and
56 restated in its entirety to read as follows:

57 **SECTION 4.02**

58 Judges.

59 “(a) No person shall be qualified or eligible to serve as a judge unless he or she shall
60 have attained the age of 28 years and shall have been a member of the State Bar of
61 Georgia for a minimum of three years. The judges, including a judge to be designated the
62 chief judge, shall be nominated by the mayor subject to approval by the city council. The
63 compensation and number of the judges shall be fixed by the city council.

64 (b)
65 Before entering on the duties of his or her office, the chief judge and each other judge
66 shall take an oath before an officer duly authorized to administer oaths in this state
67 declaring that he or she will truly, honestly, and faithfully discharge the duties of his or
68 her office to the best of his or her ability without fear, favor, or partiality. The oath shall
69 be entered upon the minutes of the city council.

70 (d) Each judge, including the chief judge, shall serve for a term of four years but may be
71 removed from the position by a two-thirds' vote of the entire membership of the city
72 council or shall be removed upon action taken by the state Judicial Qualifications
73 Commission for:

- 74 (1) Willful misconduct in office;
75 (2) Willful and persistent failure to perform duties;
76 (3) Habitual intemperance;
77 (4) Conduct prejudicial to the administration of justice which brings the judicial office
78 into disrepute; or

79 (5) Disability seriously interfering with the performance of duties, which is or is likely
80 become of a permanent character.”
81

82 **SECTION 4.03.**

83 Convening.

84
85 The municipal court shall be convened at such times as designated by ordinance or at
86 such times as deemed necessary by the chief judge, or any other judge in the absence of
87 the chief judge due to his or her illness or disability, to keep current the dockets thereof.
88

89 **SECTION 4.06.**

90 Rules for court.

91
92 With the approval of the city council, the chief judge shall have full power and authority
93 to make reasonable rules and regulations necessary and proper to secure the efficient and
94 successful administration of the municipal court.
95

96 **Section 2:**

- 97 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
98 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
99 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
100 constitutional.
- 101
102 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
103 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
104 phrase of this Ordinance is severable from every other section, paragraph, sentence,
105 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
106 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
107 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
108 section, paragraph, sentence, clause or phrase of this Ordinance.
- 109
110 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
111 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
112 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
113 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
114 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
115 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
116 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
117 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
118 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
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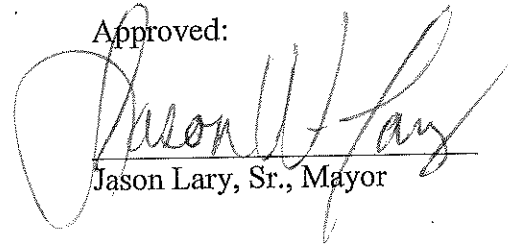
STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018- 11-01

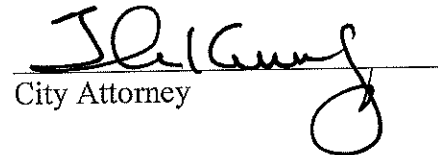
- 120 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
121 are hereby expressly repealed.
122
123 5. The within ordinance shall become effective upon its adoption.
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125 6. The provisions of this Ordinance shall become and be made part of the City Charter and
126 shall be codified in accordance with state law.

127 **SO ORDAINED AND EFFECTIVE** this the 7th day of November, 2018.

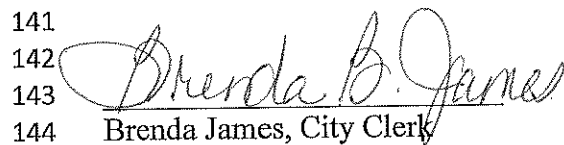
128 Approved:

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132 Jason Lary, Sr., Mayor
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134 As to form:

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139 City Attorney

140 Attest:

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144 Brenda James, City Clerk