

32 (d) No person shall be qualified or eligible to serve as judge unless he shall have attained the
33 age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of
34 three years.

35 (e) The judges pro tempore shall serve as requested by the judge and shall have the same
36 qualifications as the judge.

37 **Sec. 9-3. - Additional personnel.**

38 (a) *Municipal Court Clerk and Court Administrator.* The Municipal Court judge shall select a
39 Municipal Court Clerk, who shall be appointed by the City Manager. The Municipal Court
40 Clerk shall report to and be supervised by the Municipal Court Judge. The City Manager
41 may appoint a Court Administrator, who, if appointed, shall act as the department head for
42 the Municipal Court. The same person may serve as Court Clerk and Court Administrator.

43 (b) *Warrants and other writs.* Police officers of the City Police Department, County Police
44 Department, County Sheriff's Department or any other law enforcement officer may execute
45 warrants and other writs in furtherance of the Court's jurisdiction and orders.

46 (c) *Bailiff.* At least one City Police Department officer or an officer from the County Sheriff's
47 Department will serve as a bailiff whenever the Municipal Court is in session.

48 (d) *Solicitor.* In accordance with section 3.08 of the Charter, the City Attorney may be the
49 prosecuting officer or solicitor in the Municipal Court.

50 **Sec. 9-4. - Additional support.**

51 (a) *Indigent defense.* The City shall provide indigent defendants with counsel as provided by
52 state law.

53 (b) *Translator.* The City shall provide translation services as required by state law.

54 (c) *Intermediary interpreter.* The City shall provide interpreter services as required by state law.

55 **Sec. 9-5. - Court sessions.**

56 The Court shall be in session at least one day per month and other times as determined
57 necessary by the Municipal Court judge to keep the Court dockets current. The Court Clerk shall
58 direct staffing of the sessions.

59 **Sec. 9-6. - Court fees.**

60 (a) The Municipal Court judge may recommend to the City Council for its approval a schedule
61 of fees to defray the cost of operation.

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

63 **Sec. 9-7. - Summons; failure to appear.**

64 (a) Any Code Enforcement Officer or officer of the Police Department and the solicitor and
65 assistant solicitor of the Municipal Court in all cases where a complaint is made or
66 information is obtained of any violation of this Code or other laws or ordinances of the City
67 or of any violation of the state traffic code within Municipal Court jurisdiction, shall issue a
68 summons, directed to the accused, requiring the accused to appear before the Municipal
69 Court to answer the charge. The summons shall enumerate the specific charges against the
70 accused and designate the time and place of arraignment or trial and shall be signed by the
71 police officer or the solicitor or assistant solicitor of the Municipal Court issuing it, and a
72 copy thereof shall be served upon the accused personally.

73 (b) It shall be unlawful, upon proof of actual service of the summons upon the defendant, for
74 any defendant lawfully summoned to answer charges in the Municipal Court to either fail,
75 neglect or refuse to appear at the time and place specified in the summons or fail to provide
76 a satisfactory explanation for this absence. The trial may be continued to such time as the
77 Municipal Court may direct, and the Court shall issue an order requiring the police chief, or

78 other members of the Police Department to arrest the defendant and bring the defendant
79 before the Court to answer both the initial charges and the charge for failing to appear. The
80 chief of corrections shall keep the defendant in custody until the defendant is brought before
81 the Court, unless the defendant posts bond for appearance, as provided by law.

82 (c) Notwithstanding the above, when a uniform traffic citation is issued and if the defendant
83 fails to appear for court or otherwise dispose of his or her charges before his or her
84 scheduled court appearance as stated on the uniform traffic citation, prior to the Court
85 issuing a bench warrant, the Municipal Court Clerk shall notify the defendant by first-class
86 mail or by postcard at the address listed on the uniform traffic citation of his or her failure to
87 appear. Such notice shall be dated and allow the accused 30 days from such date to dispose
88 of his or her charges or waive arraignment and plead not guilty. If after the expiration of
89 such 30-day period the defendant fails to dispose of his or her charges or waive arraignment
90 and plead not guilty, the Municipal Court Clerk shall, within five days of such date, forward
91 to the Department of Driver Services the defendant's driver's license number. The
92 Commissioner of the Department of Driver Services shall, upon receipt of such driver's
93 license number, suspend such defendant's driver's license and driving privilege until notified
94 by the Municipal Court Clerk that the charge against the defendant has been finally
95 adjudicated.

96 **Secs. 9-8—9-34. - Reserved.**

97

98 **ARTICLE II. - TRIALS AND JUDGMENTS**

99 **Sec. 9-35. - Rules.**

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

103 **Sec. 9-36. - Contempt of Court.**

104 The Municipal Court may find persons in contempt of court and punish the persons in
105 accordance with this Code.

106 **Sec. 9-37. - Subpoenas; issuance.**

107 Whenever the attendance of any witness may be required before the Municipal Court to
108 establish any fact, the Clerk of the Municipal Court shall issue a subpoena directed to the
109 witness, stating the time and place of trial and the parties to the case, which shall be served by
110 the police chief or other police officers or as provided by law.

111 **Sec. 9-38. - Failing or refusing to obey.**

112 If any person lawfully summoned as a witness before the Municipal Court fails to attend the
113 trial for which the person has been summoned or fails to provide a satisfactory explanation for
114 this absence, the person may be cited for contempt and be fined in a sum not to exceed \$200.00.
115 If the cause is continued because of the absence of this person, the Court may issue attachment
116 against the person requiring the person to show cause on the day appointed for trial why the
117 person should not be cited for contempt. The police chief or other police officer shall, by virtue
118 of the attachment, arrest the person and keep the person in custody until the person is brought
119 before the court, unless the person posts bond for appearance, as provided by law.

120 **Sec. 9-39. - Fines.**

121 The Municipal Court shall have the discretion to enter fines consistent with this Code, state and
122 federal law. For fines due from any defendant, execution may be issued by the Court Clerk and
123 collected as provided by law.

124 **Sec. 9-40. - Sentences imposed.**

125 Upon a judgment or plea of guilty or pre-trial diversion, in addition to any applicable fines,
126 the Municipal Court judge may impose a sentence of confinement, compulsory work, or both;
127 commit the defendant to confinement, compulsory work or both; suspend the execution of the
128 sentence in whole or in part; place the defendant on probation; or defer the execution of the
129 sentence or any portion or portions thereof to one or more fixed dates in the future. The Court
130 may punish for violations within its jurisdiction a fine not exceeding \$1,000.00 or imprisonment
131 for no longer than six months, or both, except as otherwise provided by this Code or state law.

132 **Sec. 9-41. - Appeals.**

133 Unless specified elsewhere in the Code or Charter, all appeals from decisions and judgments
134 of the Municipal Court in criminal and ordinance violation cases shall be appealable, by writ of
135 certiorari, to the Superior Court of the County under the laws of the state regulating the granting
136 and issuance of writs of certiorari.

137 **Secs. 9-42—9-70. - Reserved.**

138
139 **Section 2:**

- 140
141 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
142 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
143 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
144 constitutional.
- 145
146 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
147 greatest extent allowed by law, each and every section, paragraph, sentence, clause or

148 phrase of this Ordinance is severable from every other section, paragraph, sentence,
149 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
150 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
151 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
152 section, paragraph, sentence, clause or phrase of this Ordinance.

153
154 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
155 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
156 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
157 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
158 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
159 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
160 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
161 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
162 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

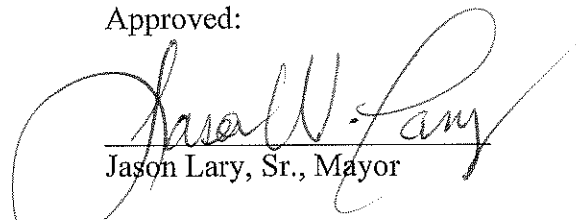
163
164 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
165 are hereby expressly repealed.

166
167 5. The within ordinance shall become effective upon its adoption.

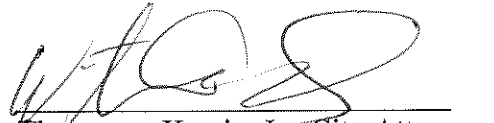
168
169 6. The provisions of this Ordinance shall become and be made part of The Code of the City
170 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
171 accomplish such intention.

172
173 **SO ORDAINED AND EFFECTIVE** this the 20 day of Nov., 2017.

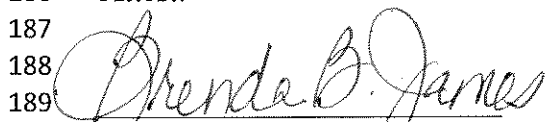
174
175 Approved:

176
177 
178 _____
179 Jason Lary, Sr., Mayor

180
181 As to form:

182
183 
184 _____
185 Thompson Kurrie, Jr., City Attorney

186 Attest:

187
188 
189 _____
190 Brenda James, City Clerk