

ORDINANCE 2003-6

AN ORDINANCE TO ~~AMEND~~ THE CHARTER OF THE CITY OF DAHLONEGA TO AMEND AND SUPERSEDE ARTICLE IV, JUDICIAL BRANCH OF THE MUNICIPAL CHARTER OF THE CITY OF DAHLONEGA TO PROVIDE FOR A JUDGE AND ALTERNATE JUDGES, TIMES OF CONVENING, JURISDICTION, POWERS, APPEALS, CERTIORARI, RULES FOR THE COURT AND INDIGENT DEFENSE, THE CHARTER BEING IDENTIFIED AS AN ACT CREATING A NEW CHARTER FOR THE CITY OF DAHLONEGA APPROVED APRIL 12, 1982, (Ga. L. 1982, P 4353), AS AMENDED.

BE IT ORDAINED by the City Council of Dahlonega, and it is hereby ordained by the authority thereof:

That Article IV entitled Judicial Branch is hereby amended to read as follows:

ARTICLE IV
Judicial Branch

Section 4.10. Creation; Name.

There shall be a court to be known as the Municipal Court of the City of Dahlonega.

Section 4.11. Chief Judge; Associate Judge

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council.

Section 4.12. Convening.

The municipal court shall be convened at regular intervals as provided by ordinance, or in the discretion of the Solicitor.

Section 4.13. Jurisdiction; Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law; and exercise all powers granted to Municipal Courts by state law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of One Thousand (\$1,000.00) Dollars or imprisonment for Six Months (180 days) or both such fine and imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law in excess of the stated fines and imprisonment if otherwise provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law. "Cost of Operation" may include fine surcharges for specific software packages essential to the orderly functioning of the Municipal Court over and in addition to the fine surcharges otherwise authorized or required by law including but not limited to those surcharges already in effect as part of the fine and fee structure of the Municipal Court.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an

execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

Section 4.14. Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Lumpkin County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

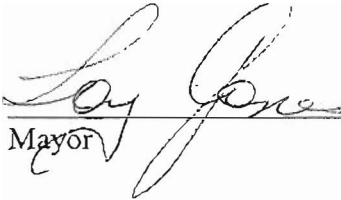
Section 4.15. Rules for Court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

Section 4.16. Indigent Defense.

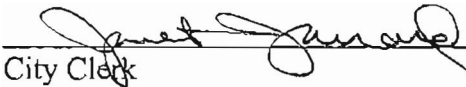
With the approval of the city council, the Judge shall have full power and authority to establish a system of indigent defense. The judge may also provide for payment for indigent defense through fine surcharges as may be allowed by law.

ORDAINED THIS 3rd DAY OF November, 2003 , BY THE MAYOR AND COUNCIL OF THE CITY OF DAHLONEGA.



Mayor

ATTEST:



City Clerk

AN ORDINANCE NO. 99-9

AN ORDINANCE TO PROCLAIM THE EXISTENCE AND ESTABLISHMENT OF THE OFFICE OF SOLICITOR GENERAL; TO SERVE THE MUNICIPAL COURT OF DAHLONEGA, GEORGIA; AND TO OUTLINE THE DUTIES AND AUTHORITIES OF THE STAFF THEREIN AS EXPRESSLY ALLOWED AND CONTINUED BY THE CONSTITUTION OF THE STATE OF GEORGIA.

SECTION 1: The office of the Solicitor General shall be established for the purpose of providing representation for the interests of the citizens of Dahlonega in matters pertaining to violations of City of Dahlonega ordinances and Georgia State offenses enforceable within municipal court.

SECTION 2: The duly appointed City Attorney shall hold the office of Solicitor General. The compensation of the Solicitor General shall be fixed by the council. No person shall be qualified or eligible to serve as the Solicitor General unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia.

SECTION 3: Jurisdiction: Powers. Pursuant to section 4.13 of the city charter the Solicitor's Office shall share the Jurisdiction and Powers vested therein as well as any powers granted by the laws of the State of Georgia.

SECTION 4: The staff of the office shall include the positions of Assistant Solicitor, Investigator and support positions as needed. The staff of the Solicitor's Office shall be appointed by the Solicitor General and approved by the council as needed.

SECTION 5: This ordinance shall ratify all actions that have been taken by the persons acting in the positions of the Solicitor's Office to date as authorized by the Mayor and his Council.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ORDAINED this 4th day of October, 1999 by the Mayor and Council of the City of Dahlonega.

Haines Hill
Mayor

ATTEST: Janet Jarrard, City Clerk