

**AN ORDINANCE
BY COMMITTEE ON PUBLIC SAFETY AND LEGAL ADMINISTRATION**

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE
CODE OF ORDINANCES RELATING TO THE MUNICIPAL
COURT OF THE CITY OF ATLANTA; AND FOR OTHER
PURPOSES.**

04-0-2225

WHEREAS, an Act providing a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L. 1996, p. 4469), as amended, has been further amended so as to change the provisions relating to the jurisdiction of the municipal court and for other purposes was passed by the Georgia Assembly and executed by the Governor; and

WHEREAS, O.C.G.A. Section 40-13-21 (b) grants the Atlanta Municipal Court the purview to adjudicate misdemeanor traffic offenses; and

WHEREAS, there is a need to amend certain sections of the Code relating to the Municipal Court so as to incorporate certain personnel, and cases and matters of the City Court of Atlanta, into the Municipal Court of Atlanta;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. That Section 22-182 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (w) in its entirety, and inserting in lieu thereof the following:

Section 22-182. General traffic rules.

(w) Authorized law enforcement officers shall when enforcing traffic regulations prescribed in this Code of Ordinances for violations of laws regulating applicable rules of the road such as stopping and parking in the restricted airfield operations area ("AOA") issue uniform traffic citations; as prescribed in O.C.G.A. § 40-13-1 and such citations shall be referred to the municipal court for adjudication.

SECTION 2. That Section 30-69 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (a) in its entirety, and inserting in lieu thereof the following:

Section 30-69. Penalties for failure to register, failure to make timely payment; interest upon unpaid taxes.

(a) Any person failing to renew their registration on or before April 1, in any year, or in the case of a new business at the time of commencing operations, may be cited for violation of this article and upon conviction by the municipal court shall be subject to a

penalty of ten percent of the estimated business tax or portion thereof then due or \$100.00, whichever is greater, for failure to so register.

SECTION 3. That Section 30-85 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (e) in its entirety, and inserting in lieu thereof the following:

Section 30-85. Copy of latest state tax return or other appropriate documentation of gross receipts required for tax certificate; locations and records open to inspection; record retention requirements.

(e) It shall be a violation of this article for any person to fail or refuse to perform any duty herein imposed or to obstruct or interfere with the chief financial officer or his or her designee in the performance of their duties or to refuse to produce, furnish or make available any documents or records described in this article. Any person violating this section may be cited by the compliance investigators and upon conviction by the municipal court shall be subject to a penalty of ten percent of the estimated business tax or portion thereof then due or \$500.00, whichever is greater. For the purpose of administering this section and for the purpose of enforcing the provisions of this article, a person who is an employee or agent acting in a capacity of apparent authority shall be joint and severally liable for the payment of all fines, taxes, penalties and interest which are past due.

SECTION 4. That Section 62-1 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting the section in its entirety, and inserting in lieu thereof the following:

Section 62-1. Bond clerk division; duties and authorities of bond clerk.

(a) There shall be created a division known as the bond clerk division within the violations bureau of the municipal court. The appointment of the head of the division, known as bond clerk, shall be made by the judges.

(b) It shall be the duty of the bond clerk to collect and enforce all collections of appearance and certiorari bonds given by persons either to appear or to abide final judgment in all courts.

(c) The chief of corrections or designated representative shall accept, within the sole discretion of the chief of corrections, all appearance bonds and cash bonds on defendants under the jurisdiction of the city on standard forms provided by the department of corrections. It shall further be the duty of the chief of corrections to deliver to the proper court the coupon stubs of these bonds. The chief of corrections shall deposit with the revenue collection administrator all sums taken on cash bonds, which sums shall be kept in an account and fund to be designated by the chief financial officer.

(d) The bond clerk shall keep and record all bonds received from the chief of corrections in a ledger known as the bond ledger and shall file the bonds by court date. If



a case is bound over to a state court, the bond clerk shall release any bond relating to that case to the solicitor of the municipal court or the solicitor's assistant upon presentation of the receipt thereof.

(e) The clerk of the municipal court shall advise the bond clerk in writing of the action taken by the court on each case.

(f) The bond clerk, upon written notice from the clerk of the court, shall adjust records accordingly. If a trial is reset, the bond clerk's bonds and records are to be corrected to show the new trial date, etc. For a forfeiture and the issuance of an execution, the bond clerk is to collect the face value of the bond within ten days from the date of the execution. The bond clerk shall in no way have the authority to extend the ten-day payment period nor shall the trial judge, except in extreme cases, have the authority once a bond has been forfeited and an execution issued thereon to change the date or the time of payment of the bond. Upon failure of the surety to pay the face value of a bond after executions have been issued and within the prescribed time, the bond clerk shall notify the chief judge, and the chief judge shall in turn notify the chief of corrections of the failure of a surety to remit the value of the bond. The chief of corrections is to take the action of suspending the permit of a bondsperson as prescribed in this Code.

(g) The bond clerk shall collect all forfeited bonds of the court for which executions have been issued and shall deposit any collections with the revenue collection administrator's office daily with a written, detailed report to the municipal revenue collector's office of these collections.

(h) The bond clerk shall refund all cash bonds upon appearance of the principal at the time set for trial and the completion of the trial of the principal or upon the dismissal of the offense for which the bond was set. Any bond so refunded shall be refunded by direct payment to the principal or by mailing it to the principal within ten days of the completion of trial or the dismissal of the charge; provided, however, that when a cash bond is consummated by check, the bond clerk shall have a maximum of 20 days within which to make the refund. The 20-day period shall begin with the date of the cash bond or the date of the check, whichever is later. The bond clerk at the election of the principal may remit part of the cash bond to the particular court involved in payment of the fine and remit the balance of the cash bond to the principal. Nothing in this section shall in any way limit or prohibit the bond clerk from refunding any forfeited bond when the prisoner is produced prior to the issuance of an execution.

(i) Within 24 hours after a surety has surrendered its principal, this surety must give notice of this surrender to the bond clerk.

(j) All bonds shall be securely kept by the bond clerk, upon a bond being satisfied. The bond clerk shall mark the bond satisfied and enter it in the bond book.

(k) The bond clerk, at the end of each calendar month, shall make a full and detailed report in triplicate on the status of all bonds, and a detailed explanation is to be given in



the report as to the reason the bond has not been collected. A copy of the report is to be submitted to the court, to the chief of corrections and to the chief financial officer.

SECTION 5. That Section 62-31 of the Code of Ordinances of the City of Atlanta is hereby repealed.

SECTION 6. That Section 62-35 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting the section in its entirety, and inserting in lieu thereof the following:

Section 62-35. Jurisdiction; imposition of punishment.

Every person accused of violating any section of this Code or any ordinance of the city, or any state offense that may properly be adjudicated in municipal court pursuant to state law shall be tried in the municipal court, unless referred by the chief judge of municipal court to city court for jury trial. Upon a finding of guilty, the municipal court may impose such punishment as is provided for by this Code.

SECTION 7. That Sections 62-126--62-144 of the Code of Ordinances of the City of Atlanta are hereby repealed, excepting Section 62-128.

SECTION 8. That Section 62-128 of the Code of Ordinances of the City of Atlanta is hereby by amended to increase the sum to be paid to members of the municipal police force required by writ of subpoena to attend the from \$4.00 to \$25.00, in accordance with O.C.G.A. Section 24-10-27, by deleting the section in its entirety, and inserting in lieu thereof the following::

If any sheriff, deputy sheriff or member of any municipal or county police force shall be required by writ of subpoena to attend the municipal court or city court as a witness in behalf of the city or state during any hours except the regular duty hours to which the officer is assigned, such officer shall be paid the sum of **\$25.00** per day for such attendance. The claim for such witness fees shall be endorsed on the subpoena showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned, and the claimant shall verify this statement. The dates of attendance shall be certified by the solicitor of the municipal court, and the amount due shall be paid from funds allocated to the court for the payment of expenses of operating such court and the enforcement of the laws of the state relating to and regulating traffic. However, no such officer may claim or receive more than one witness fee per day for attendance in any court or before the grand jury, regardless of the number of subpoenas which such officer may have received, requiring the officer to appear in such court or before the grand jury in any one day.

SECTION 9. That Section 98-2 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (b) in its entirety, and inserting in lieu thereof the following:



Section 98-2. Criminal justice coordinating council.

(b) The criminal justice coordinating council shall consist of the following members: the mayor or his designee, the president of the city council or his designee, the chief of police, the commissioner of the department of corrections, the chief judge and the associate judges of the municipal court, the chairperson of the city council committee on public safety, the city solicitor, the public defender, and two members of the community, one appointed by a majority of the other members of criminal justice coordinating council, who has substantial experience in alcohol or substance abuse treatment and facilities, and one appointed by the Metro Atlanta Crime Commission.

SECTION 10. That Section 98-165 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting the section in its entirety, and inserting in lieu thereof the following:

Section 98-165. Records.

The department of corrections shall keep a book showing the name of each offender turned over to the department from the city's courts for work details, the time for which each offender is sentenced, dated received, date discharged from city custody, and number of days worked. The deputy commissioner shall make a monthly report to the commissioner showing the facts above required to be kept of record.

SECTION 11. That Section 98-179 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (b) in its entirety, and inserting in lieu thereof the following:

Section 98-179. Clothing for inmates.

(b) The chief shall cause to be purchased a supply of clothing, of suitable texture and color, which shall be worn by male and female inmates during their confinement under sentence from the city's courts. At the end of the term of imprisonment of the inmate, the city clothes shall be removed, and the personal effects of the inmate shall be returned to the inmate. Thereafter, after the correctional officials shall thoroughly cleanse and fumigate the city clothing that was worn by the inmate.

SECTION 12. That Section 106-81 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting paragraph a. of subsection (6) in its entirety, and inserting in lieu thereof the following:

Section 106-81. Disorderly conduct.

It shall be unlawful for any person within the corporate limits of the city to engage in any conduct described in the following subsections; provided, however, that no person shall be convicted of any of the following sections upon a showing that the predominant intent of such conduct was to exercise a constitutional right to:



(6) Be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcoholic beverages;

a. All fines paid and collected by the city's courts pursuant to conviction under this section shall be deposited into the Inmate Welfare Trust Fund Budget (FAC 3P02 494008 I21W02CL9999) to defray the cost of substance addiction treatment for sentenced defendants.

SECTION 13. That Section 106-127 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting paragraph (7) of subsection (d) in its entirety, and inserting in lieu thereof the following:

Section 106-127. Solicitation for an illicit sexual act.

(d) The following penalties shall be imposed upon the conviction of subsection (a), (b) or (c) of this section.

(7) All fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3P02494008121CL9999, to defray the cost of inmate programs and services in the department of corrections.

SECTION 14. That Section 106-406 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (a) in its entirety, and inserting in lieu thereof the following:

Section 106-406. Issuance of exclusion notices.

(a) The judge of a court of the city shall issue exclusion notices to any person found in violation of this code section as provided for in section 106-405(a).

SECTION 15. That Section 106-424 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting subsection (a) in its entirety, and inserting in lieu thereof the following:

Section 106-424. Issuance of exclusion notices.

(a) The municipal court judge shall issue exclusion notices to any person found in violation of this Code section as provided for in section 106-423(a).

SECTION 16. That Section 150-68 of the Code of Ordinances of the City of Atlanta is hereby amended by deleting the section in its entirety, and inserting in lieu thereof the following:



Section 150-68. Reporting of traffic-control signal monitoring device use.

The chief of police or his or her designee shall submit not later than February 1 of each year a report on traffic-control signal monitoring device use during the preceding calendar year to the governor, the lieutenant governor, the speaker of the house of representatives, the mayor, the members of city council, the director of the department of public works, the solicitor of the Municipal Court of Atlanta, and the Chief Judge of the Municipal Court of Atlanta. Such report shall include:

- (i) A description of the locations where the traffic-control signal monitoring devices were used;
- (ii) The number of violations recorded at each location and in the aggregate on a monthly basis;
- (iii) The total number of citations issued;
- (iv) The number of fines and total amount of fines paid after citation without contest;
- (v) The number of violations adjudicated and results of such adjudications, including a breakdown of dispositions made;
- (vi) The total amount of fines paid; and
- (vii) The quality of the adjudication process and its results.

SECTION 17. That where any ordinances or parts of ordinances conflict with this Ordinance, the provisions of this Ordinance shall control.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

Jan 03, 2005
Jan 10, 2005

RCS# 6389
1/03/05
3:44 PM

Atlanta City Council

Regular Session

04-0-2225

AMEND CERTAIN SECTIONS OF CODE RELATING
TO MUNICIPAL COURT
ADOPT

YEAS: 14
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

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04-2225

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LEGAL ADMINISTRATION

AN ORDINANCE TO AMEND CERTAIN
SECTIONS OF THE CODE OF ORDINANCES
RELATING TO MUNICIPAL COURT OF THE CITY
OF ATLANTA, AND FOR OTHER PURPOSES.

ADOPTED BY
JAN 03 2005
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 12-06-2004
 Referred To: PS & LA
 Date Referred _____
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 Date Referred _____
 Referred To: _____

Committee PSLA First Reading
 Date 12/14/04
 Chair [Signature]
 Referred to PSLA

PSLA Committee
 Date 12/14/04
 Chair [Signature]
 Action [Signature]
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

JAN 03 2005

CERTIFIED
JAN 03 2005
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 [Signature]
 MAYOR