

# CHAPTER 5: MUNICIPAL COURT

## Section

|       |  |
|-------|--|
| 5-101 | Scope of Jurisdiction                            |
| 5-102 | Appointment and Qualifications of Judge          |
| 5-103 | Required Training for Judges of Municipal Courts |
| 5-104 | Bailiff  |
| 5-105 | Record of Cases                                  |
| 5-106 | Limitations                                      |
| 5-107 | Service of Summons                               |
| 5-108 | Subpoenas  |
| 5-109 | Failure to Obey Summons or Subpoena              |
| 5-110 | Arrest and Bond                                  |
| 5-111 | Forfeiture of Bond                               |
| 5-112 | Court Cost                                       |
| 5-113 | Malicious Prosecution                            |
| 5-114 | Collection of Fines                              |
| 5-115 | Appeal   |
| 5-116 | Contracting for Municipal Court Services         |



### **Section 5-101            Scope of Jurisdiction**

The Municipal Court of this municipality shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid. Town courts shall function according to guidelines found in O.C.G.A. § 36-32-1 et seq.

### **Section 5-102            Appointment and Qualifications of Judge**

The Mayor and Town Council is authorized to appoint a judge of the municipal court who shall serve in lieu of the Mayor or other members of the Mayor and Town Council. Any person appointed as a judge shall possess such qualifications and shall receive such compensation as shall be fixed by the Mayor and Town Council and shall serve at the pleasure of the governing authority.

### **Section 5-103            Required Training for Judges of Municipal Courts**

1. All judges of the municipal courts shall periodically satisfactorily complete a training course as provided in Article 2 of O.C.G.A. § 36-32-11.
2. If any municipal judge does not satisfactorily complete the required training in any year, the Georgia Municipal Courts Training Council shall promptly notify the Judicial Qualifications Commission, which shall remove the municipal judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the municipal judge.
3. The reasonable costs and expenses of such training shall be paid by the governing authority of the municipality from municipal funds.
4. Any person who becomes a municipal judge on or after January 1, 1991, shall satisfactorily complete twenty (20) hours of training in the performance of his/her duties, prior to December 31, 1991, and shall attend the first scheduled training session held after the date of his/her election or appointment in order to become certified under this article. Any person serving as a municipal judge prior to January 1, 1991, shall be exempt from completing these twenty (20) hours of training.

5. In order to maintain the status of a certified municipal judge, each person certified as such shall complete twelve (12) hours of additional training per annum during each calendar year after the year of his/her initial certification in which he serves as municipal judge.

**Section 5-104 Bailiff**

The Bailiff of the Municipal Court shall be appointed by the Mayor, by and with the advice and consent of the Town Council. The duties of the Bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the Judge of the Municipal Court and the Town Clerk/Treasurer.

**Section 5-105 Record of Cases**

A record of all cases heard in the Municipal Court for violation of this Code or other municipal ordinances shall be kept in a suitable bound volume by the Town Clerk/Treasurer. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.

**Section 5-106 Limitations**

All prosecutions for violations of Town ordinances shall be commenced within two (2) years after the commission of the crime.

**Section 5-107 Service of Summons**

Any person charged with violating any Town ordinance shall receive notice by service of a summons as herein provided. Such summons may be issued by the Town Clerk/Treasurer, the Building Inspector, or the Sheriff. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour, and place of trial, requiring the accused to appear before the Judge of the Municipal Court to answer accusations made. Service of the summons shall be made by a police officer of the Town either by serving the accused personally or by leaving a copy at his/her most notorious place of abode, except that in the case of a summons issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons may be directed to an unknown person as owner of an automobile designated in the summons and may be served upon such person by leaving a copy in or attached to such automobile.

**Section 5-108 Subpoenas**

The Town Clerk/Treasurer shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the Municipal Court. All subpoenas shall be served in the same manner as a summons.

**Section 5-109 Failure to Obey Summons or Subpoena**

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for same.

**Section 5-110 Arrest and Bond**

When a police officer has arrested any person for violation of any provision of this Code or any municipal ordinance and trial cannot be had immediately, the officer may take cash bond not exceeding the maximum fine for the offense, or a bond with a good security, for the appearance of such person before the Judge of the Municipal Court. If such person fails or refuses to give a bond, the officer may confine him or her in the Town jail until a trial can be held, provided that the Mayor, in his/her discretion, may release such person on his/her own recognizance without security. No person shall be incarcerated in the Town jail for more than seventy-two (72) hours without being tried by the Municipal Judge.

**Section 5-111                      Forfeiture of Bond**

Upon the failure of a person to appear in the Municipal Court at the time and place fixed by the summons, unless legal excuse is offered in his/her behalf, the Judge of said court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than ten (10) days from the passage of such ruling, why they should not be required to pay the amount of said bond. If no sufficient cause is shown, the Judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the Town Clerk/Treasurer to issue execution thereon.

**Section 5-112                      Court Cost**

The costs which shall be charged against a defendant in the Municipal Court in the event of his/her conviction shall not exceed an amount as determined by Mayor and Council, which sum shall be paid into the Town treasury.

**Section 5-113                      Malicious Prosecution**

Whenever the Judge of the Municipal Court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.

**Section 5-114                      Collection of Fines**

When directed by the Judge of the Municipal Court, the Town Clerk/Treasurer shall issue executions for fines imposed by said court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.

**Section 5-115                      Appeal**

Appeals from decisions of the Municipal Court shall be taken to the Oglethorpe County Superior Court or State Court in the manner provided for appeals under state law.

**Section 5-116                      Contracting for Municipal Court Services**

Pursuant to O.C.G.A. § 15-7-80 et. seq., the Town of Maxeys may contract with Oglethorpe County to furnish court services to the municipality.