

House Bill 556

By: Representative Yates of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the Town of Turin, approved December 27, 1890 (Ga. L.
2 1890-91, Vol. II, p. 629), as amended, so as to change the provisions relating to the powers
3 and duties of the mayor and aldermen; to create a municipal court and provide for the judges
4 thereof and their qualifications, terms, oaths, removal, compensation, powers, and duties; to
5 authorize a contract for the Magistrate Court of Coweta County to serve as the municipal
6 court as authorized by the laws of this state; to provide for convening the municipal court;
7 to provide for penalties; to provide for fees; to provide for bail and recognizances; to provide
8 for practices and procedures; to provide for warrants to provide for certiorari; to provide for
9 rules and regulations; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act incorporating the Town of Turin, approved December 27, 1890 (Ga. L. 1890-91, Vol.
13 II, p. 629), as amended, is amended by striking Section 5 of said Act and inserting in its place
14 the following:

15 "SECTION 5.

16 Said board of mayor and aldermen shall have full power and authority to alter the rules and
17 regulations prescribed in this charter for the management of elections, to pass all
18 ordinances and bylaws for the government of said town not in conflict with the laws of this
19 state or of the United States, and to enforce the same."

20 **SECTION 2.**

21 Said Act is further amended by adding new Sections 6.10 through 6.15 to read as follows:

22 "SECTION 6.10.

23 There shall be a court to be known as the Municipal Court of the Town of Turin.

SECTION 6.11.

(a) Except as otherwise provided in subsection (f) of this section, 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 and 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 mayor and aldermen 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 mayor and aldermen unless otherwise provided by ordinance.

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

(f) In lieu of appointing a judge or judges of the municipal court, the mayor and aldermen are authorized to contract with the governing authority of Coweta County for the Magistrate Court of Coweta County to serve as the Municipal Court of the Town of Turin as provided in Article 9 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated or any other applicable law of this state.

SECTION 6.12.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 6.13.

(a) The municipal court shall try and punish violations of this charter, all town ordinances, and such other violations as provided by law.

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

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 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.

(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.

1 (e) The municipal court shall have authority to establish bail and recognizances to ensure
2 the presence of those charged with violations before such court and shall have discretionary
3 authority to accept cash or personal or real property as surety for the appearance of persons
4 charged with violations. Whenever any person shall give bail for that person's appearance
5 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by
6 the judge presiding at such time and an execution issued thereon by serving the defendant
7 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule
8 nisi. In the event that cash or property is accepted in lieu of bond for security for the
9 appearance of a defendant at trial, and if such defendant fails to appear at the time and
10 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited
11 to the town, or the property so deposited shall have a lien against it for the value forfeited
12 which lien shall be enforceable in the same manner and to the same extent as a lien for
13 town property taxes.

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

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

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

24 SECTION 6.14.

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

29 SECTION 6.15.

30 With the approval of the mayor and aldermen, the judge shall have full power and authority
31 to make reasonable rules and regulations necessary and proper to secure the efficient and
32 successful administration of the municipal court; provided, however, that the mayor and
33 aldermen may adopt in part or in toto the rules and regulations applicable to municipal
34 courts. The rules and regulations made or adopted shall be filed with the town clerk, shall

1 be available for public inspection, and, upon request, a copy shall be furnished to all
2 defendants in municipal court proceedings at least 48 hours prior to such proceedings."

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.