

House Bill 790

By: Representative Chambers of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Doraville, approved October 13, 1971
2 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10,
3 1983 (Ga. L. 1983, p. 3581), so as to provide municipal judges with certain authorities
4 regarding the sentencing of local offenders; to provide for the selection of the mayor-pro tem;
5 to provide for municipal elections; to provide for appeals procedure for municipal court
6 decisions; to provide that the city attorney may not serve as the municipal court judge; to
7 provide for qualifying fees for municipal office; to provide for municipal elections; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating a new charter for the City of Doraville, approved October 13, 1971 (Ga. L.
12 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10, 1983 (Ga.
13 L. 1983, p. 3581), is amended by revising Section 2.04 as follows:

14 "Section 2.04.

15 Mayor Pro-tem.

16 The council at the first regular meeting in January of each year shall elect from its
17 membership a Mayor Pro-tem for a term of one year. Upon the Council's failure to elect a
18 Mayor Pro-tem at its first regular meeting in May of each year, the incumbent councilman
19 not up for election at the previous election who received the highest number of votes, when
20 last elected, shall be declared the Mayor Pro-tem. The Mayor Pro-tem shall perform the
21 duties of the Mayor during his absence from the City or his disability."

22 **SECTION 2.**

23 Said Act is further amended by revising Section 3.02 as follows:

24 "Section 3.02.

25 Judge of Municipal Court.

26 The Council shall elect a judge and make him presiding officer of said court. The judge so
 27 elected shall be a duly licensed attorney and a member of the State Bar of Georgia, shall
 28 serve at the pleasure of the Council, and his compensation shall be fixed by the Council. The
 29 Council shall appoint such other judges, meeting the same required qualifications as set out
 30 above, to serve in said municipal court as it shall deem necessary. Before entering on duties
 31 of his office, any judge of the municipal court shall take an oath before an officer duly
 32 authorized to administer oaths in this State, that he will truly, honestly and faithfully
 33 discharge the duties of his office to the best of his ability without fear, favor, or partiality.
 34 This oath shall be entered upon the minutes of the meeting of the Council."

35

36 **SECTION 3.**

37 Said Act is further amended by revising Section 3.03 as follows:

38 "Section 3.03.

39 Powers; Maximum Penalty; Contempt.

40 The judge of the municipal court shall have jurisdiction to try all offenses against the laws
 41 and ordinances of the City of Doraville and to punish violators of the same. Said court shall
 42 have the power to enforce its judgments by the imposition of such penalties as may be
 43 provided by law; to punish witnesses for nonattendance; and also to punish for contempt.
 44 The judge of municipal court shall have power and authority to impose fines for the
 45 violations of any law or ordinance of the City of Doraville passed in accordance with its
 46 charter consistent with the limitations provided for municipal corporations in O.C.G.A. Code
 47 Sections 36-32-5 and 36-35-6, or to sentence offenders to labor on the streets or other public
 48 works of the City of Doraville for not more than thirty (30) days. Said judge shall have the
 49 power and authority to impose any one or more of these punishments, when in the opinion
 50 of the court the facts justify it. Said court shall have the power to preserve order, compel the
 51 attendance of witnesses, compel the production of books and papers to be used as evidence,
 52 and to issue subpoenas for these purposes, and to issue such other processes as may be
 53 necessary to the proper administration of said Court, and to punish for contempt in a manner
 54 consistent with general law."

55 **SECTION 4.**

56 Said Act is further amended by revising Section 3.05 as follows:

57 "Section 3.05.

58 Right of Appeal.

59 Be it further enacted, that the right of appeal and any bond as may be required to secure the
 60 costs on appeal to the Superior Court of DeKalb County from the municipal court shall lie
 61 in the same manner and under the same procedure as generally prescribed for appeals and
 62 appeal bonds from the Court of Ordinary. Provided, however, any person convicted of an
 63 offense shall have thirty (30) days to file his appeal. An appeal to the Superior Court shall
 64 be a de novo proceeding."

65 **SECTION 5.**

66 Said Act is further amended by revising Section 5.08 as follows:

67 "(a) The mayor and councilmembers in office as of the effective date of this Act shall serve
 68 until the end of their current terms. The successors for the mayor and councilmembers
 69 currently serving shall be elected in the election held on the Tuesday following the first
 70 Monday of November in the year the terms for such mayor and councilmembers expire.
 71 Notwithstanding the provisions of this subsection, there shall be a municipal general election
 72 biennially in odd-numbered years on the Tuesday next following the first Monday in
 73 November.

74 (b) There shall be elected the mayor and two members of the councilmembers at one
 75 election and at every other election thereafter. The remaining councilmember seats shall be
 76 filled at the election alternating with the first election so that a continuing body is created.

77 (c) There shall be three city election districts in the City of Doraville, and two councilmen
 78 shall represent each district, and shall reside in the district which they represent. The city
 79 election districts shall be as follows:

80 (1) District One shall consist of all that part of the city lying north and west of the
 81 Southern Railroad Main Line.

82 (2) District Two shall consist of all the part of the city lying south and east of the Buford
 83 Highway, and south of Interstate Highway I-285.

84 (3) District Three shall consist of all that part of the city lying south and east of the
 85 Southern Railroad Main Line between the Southern Railroad Main Line and the Buford
 86 Highway, and all of that part of the city lying east of the Buford Highway and North of
 87 Interstate Highway I-285.

88 (d) Candidates for the district posts must live in the district which they seek to represent but
 89 all elections shall be at large in the City.

90 (e) In instances where no candidate for mayor or for any council seat receives a majority of
91 the votes cast at the election held on the first Saturday in November, a runoff election shall
92 be held between the two candidates receiving the highest number of votes in such election.
93 Said runoff election shall be held on the third Saturday in November of the same year. The
94 candidate for mayor or for any council seat receiving a majority of the votes cast in such
95 runoff election shall be declared the winner."

96 **SECTION 6.**

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