

State of Georgia
Clayton County
City of Riverdale

Adopted by the Governing Body this 14th day of September 2009.

ORDINANCE NO. 6-2009

**AN ORDINANCE TO AMEND SECTION 23, “MUNICIPAL COURT—
CREATION; PRESIDING OFFICERS OF THE CHARTER OF THE CITY
OF RIVERDALE, GEORGIA, AS AMENDED, TO DELETE SECTION 23
IN ITS ENTIRETY, INCLUDING ANY AMENDMENTS THERETO, AND
REPLACE IT WITH A NEW SECTION 23, “MUNICIPAL COURT—
CREATION; PRESIDING OFFICERS;” TO REPEAL CONFLICTING
PROVISIONS; AND FOR OTHER PURPOSES.**

**BE IT RESOLVED AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL
OF THE CITY OF RIVERDALE AND BY THE AUTHORITY OF SAME THAT
SECTION 23, “MUNICIPAL COURT—CREATION; PRESIDING OFFICERS,”
OF THE CHARTER OF THE CITY OF RIVERDALE, GEORGIA, BE
AMENDED AS FOLLOWS:**

Section 1: By deleting Section 23, entitled “Municipal Court—Creation; Presiding Officers” in its entirety, including any amendments thereto, and replacing it with a new Section 23, “Municipal Court—Creation; Presiding Officers,” a copy of which is attached hereto and labeled Exhibit A.

Section 2: All laws and ordinances, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3: This Ordinance shall become effective upon its approval by the Mayor and Council.

Section 4: In the event, any section, subsection, sentence, clause or phrase of this Ordinance or its attachment shall be declared or judged invalid or unconstitutional, such adjudication shall in no matter affect the other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain of full force and affect, as if the section, subsection, sentence, clause or phrase so declared or judged invalid or unconstitutional was not originally a part hereof.

Section 23. Municipal court--Creation; presiding officers.

There is hereby created a municipal court for the trial of the offenses and offenders against the laws and ordinances of the City of Riverdale, such court to be called the Municipal Court of Riverdale and, at the first meeting of the mayor and council after their election and qualification, they shall appoint a judge of the municipal court and as many judges pro tem of the municipal court as needed for the ensuing year. The judges from the prior year shall serve until the judges' successors are appointed and qualified and, when so appointed and qualified as hereinafter provided, the judges shall have full authority as judges of said court for the administration of its affairs. The salary of the judge and judges pro tem shall be fixed by the mayor and council, and the judges shall take such oath as may be prescribed by the mayor and council. The judges shall be subject to removal, with or without any stated cause, upon a majority vote by the council. Any vacancy in the office of municipal court judge, by death, resignation, removal or other, shall be supplied by appointment of the mayor and council.

- (a) The Environmental Court of Municipal Division is hereby created, and the Municipal court judge or his assistant assigned to the environmental division shall convene court on a recurring day and time each month, established by the Mayor and Council, and further, shall have the same authority as that given to the judge in Section 23 et seq. of this Charter. The judge appointed to the environmental division may alter the date and time of the court convening, as needed and in cooperation with the Court Division.
 - (i) *Session Location.* Sessions of the environmental division of the municipal court shall be convened at 6690 Church Street, Riverdale, Georgia, or at such other times and places as the judge of the court shall designate.
 - (ii) *Summons; Issuance.*
 - (a) It shall be the duty of any member of the police department, in all cases where complaint is made or information obtained of any violation of any of the laws or ordinances of the city, to issue a summons, bearing test in the name of the city and directed to the accused, requiring him to appear before the municipal court to answer such charge, which summons shall designate the time and place of trial. It shall be signed by the patrolman or officer issuing same and a copy thereof shall be served upon the accused either personally or by leaving a copy at his place of residence by the issuing officer.

- (b) It shall be the duty of any code enforcement officer and/or fire marshal, in all cases where complaint is made or information obtained of any violations of the ordinances of the city or of a party's failure to comply with the ordinance of the city, to issue a summons bearing test in the name of the city and directed to the accused, requiring him to appear before the environmental division of the municipal court to answer such charge, which summons shall designate the time and place of trial. It shall be signed by the code enforcement officer or fire marshal issuing same and a copy thereof shall be served upon the accused either personally, by certified mail, or by leaving the copy at his place of residence by the issuing code enforcement officer.
- (iii) *Same; contempt for failure to appear.* Any person summoned as provided herein who shall fail, neglect or refuse to appear, or to make a satisfactory showing for such failure, neglect or refusal to appear and answer the charge specified, may be punished as provided in Section 25 of the City Charter. The case may be continued to such time as the municipal court may direct, and the court shall issue an order requiring the chief of police, or other member of the police force, to arrest the offender and bring him before the court to answer the contempt, and it shall be the duty of such police chief to keep the offender in custody until he is brought before the court, unless he gives bond for his appearance as provided by law.
- (iv) *Witnesses; Subpoenas.* Whenever the attendance of any witness may be required before the municipal court to establish any fact, the court, or the Clerk of court, or the deputy clerk of the environmental division of the municipal court, or such person as designated by the municipal judge, shall issue a subpoena directed to the witness, stating the time and place of trial and the parties to the case, which shall be served as other process by the chief of police, other officer, policeman or code enforcement officer.
- (v) *Contempt.* Any person who, during a session of the municipal court or any division thereof, shall be guilty of a contempt of court, or who refuses to abide by any sentence or order of the court, shall be punished as provided in Section 25 of the City Charter.
- (vi) *Docket; Required.*
 - (a) A court record of all cases coming before the court clerk and made by persons other than code enforcement officers, shall be kept in the office of the court clerk, records bureau, on

which shall appear the name of every defendant charged with a violation of this Code or any city ordinance, and at the trial of all cases in the municipal court, the court clerk or other designated person shall record on the original copy of charges the punishment inflicted and the date, and an entry shall be made under the judge's sentence showing the final disposition of the case, that is, whether the fine, if any, was collected, the date of such collection and the disposition of such amounts. The original copy of charges, showing the within described information, shall constitute the permanent record of the court and shall be maintained in the order as directed by the judge.

- (b) A court record of all cases issued by code enforcement officers or fire marshal and coming before the clerk of the environmental division of the municipal court shall be kept in the office of said clerk, on which shall appear the name of every defendant charged with a violation of any city ordinance, and at the trial of all cases in the environmental division of the municipal court, the court clerk or other designated person shall record on the original copy of the charges the punishment inflicted and the date, and an entry shall be made under the judge's sentence showing the final disposition of the case, that is, whether the fine, if any, was collected, the date of such collection and the disposition of such amounts. The original copy of charges, showing the within described information, shall constitute the permanent record of the environmental division of the municipal court and shall be maintained in the order as directed by the assistant judge of the municipal court with the approval of the judge of the municipal court.

(vii) *Method of Selection of Municipal Judge.*

- (a) The governing body may also appoint an assistant municipal court judge who shall preside over sessions of a division of the municipal court to be known as the environmental division.
 - (i) Said court shall adjudicate cases instituted by the city's code enforcement officer or officers or fire marshal.
 - (ii) The environmental division of the municipal court shall be located at 6690 Church Street, Riverdale, Georgia, or at such other location as may be

determined from time to time by the judge of the municipal court.

- (iii) Said appointee must possess the same qualifications as the municipal court judge in order to qualify for the appointment.
- (iv) Said appointment shall follow the same procedure as that of appointing the judge of the municipal court.

(viii) *Environmental Division of Municipal Court; Records; Deputy Clerk; Reporting.*

- (a) The environmental division of the municipal court is charged with the responsibility of adjudicating those cases made for violations of the city ordinances by code enforcement officers or fire marshal. All matters coming before this division of the municipal court shall remain under the general supervision of the judge of the municipal court.
 - (b) Records of all proceedings conducted by the environmental division of the municipal court, including but not limited to dockets, original citations and records of disposition thereof, sentences, assessments of fines, punishment and performance or payment thereof, shall be maintained by the environmental division at the municipal court and not merged with the records of the municipal court. However, a copy of the docket book shall be maintained in the offices of the clerk of the municipal court.
 - (c) A person may be designated by the judge of the municipal court to serve in the capacity of deputy clerk of the environmental division of the municipal court, and that person shall be charged with the same responsibilities within the confines of the environmental division of the municipal court as are charged to the clerk of the municipal court.
- (ix) *Compensation.* Compensation for the judge and solicitor of the environmental division of the municipal court of Riverdale, shall be paid at a rate negotiated with the City.
- (x) *Fines.* Fines for violations of the Code of the City of Riverdale involving environmental issues shall be those ordered by the Court within the parameters set forth in the City Charter and Code.