



AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE 1 OF CHAPTER 30 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ADD A PROVISION RELATED TO FAILURE TO APPEAR; TO ASSIGN THAT PROVISION TO SECTION 30-8 (CURRENTLY RESERVED); TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of Alpharetta; and

WHEREAS, the City Council has adopted Chapter 30 of the Code of the City of Alpharetta, Georgia (“City Code”) regarding offenses and miscellaneous provisions; and

WHEREAS, the City Council is charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and the City Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to its needs; and

WHEREAS, the City of Alpharetta maintains a Municipal Court that is authorized to try and punish certain violations of city ordinances and such other offenses as allowed and provided by general law; and

WHEREAS, the Municipal Court has authority to ensure the presence of those charged with violations; and

WHEREAS, creating a violation for failure to appear would authorize the Municipal Court to issue warrants for arrest of person for failure to appear and to bring an additional charge and violation as a function for failing to appear at a designated court session; and

WHEREAS, the City Council deems it appropriate to amend Section 30-8 of the City Code to add a provision regarding failure to appear before Municipal Court of anyone charged with violations;

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 30-8 of the Code of the City of Alpharetta, Georgia, which is currently reserved, is hereby amended by inserting a new Section 30-8 to read as follows:

Sec. 30-8. Failing to appear to answer summons; arrest.

- (a) It shall be unlawful for any defendant lawfully summoned to answer charges in the municipal court to either fail, neglect, or refuse to appear at the time and place specified in the summons or fail to provide a satisfactory explanation for this absence;
- (b) The trial may be continued to such time as the municipal court may direct, and the court shall issue an order requiring the police chief, or other members of the city police department, or its designee, to arrest the defendant and bring the defendant before the court to answer both the initial charges and the charge for failing to appear at trial;

- (c) The defendant shall remain in custody until brought before the court, unless the defendant posts bond for appearance, as provided by law.

Section 2: Secs. 30-9 – 30-32 of the Code of the City of Alpharetta, Georgia shall remain as Reserved.

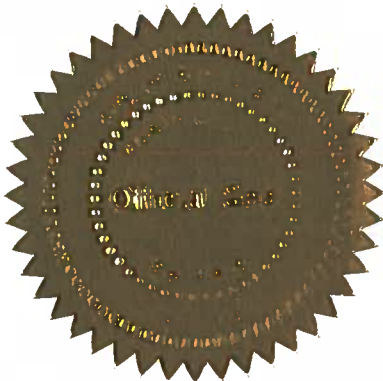
Section 3: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 4: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 6: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the 17th day of January, 2023.



CITY OF ALPHARETTA, GEORGIA

By: _____

Jim Gilvin, Mayor

COUNCIL MEMBERS

Donald F. Mitchell

Donald F. Mitchell

Brian Will


Brian Will


Douglas J. Derito

Douglas J. Derito

John Hipes

John Hipes



Jason Binder


Dan Merkel

ATTEST:



Lauren Shapiro, City Clerk

APPROVED AS TO FORM:



Melissa Tracy, City Attorney