

Ordinance Number: #2010-06

AN ORDINANCE

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF HINESVILLE, GEORGIA, CHAPTER 10, MUNICIPAL COURT, TO PROVIDE FOR THE APPOINTMENT, QUALIFICATIONS, AND DUTIES OF THE MUNICIPAL COURT SOLICITOR; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES AS ALLOWED BY LAW.

WITNESSETH

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is authorized under Article 9, Section 2, of the Constitution of the State of Georgia to enact reasonable ordinances to protect the health, safety and general welfare of the public; and

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is the Mayor and City Council thereof;

WHEREAS, the Mayor and City Council desire to amend Chapter 10, Municipal Court, of the Municipal Code of the City of Hinesville;

WHEREAS, Part II, Code of Ordinances, Chapter 1 General Provisions, Sec. 1-10 of the Municipal Code provides the standards and procedures for amending any provision of the said Code;

WHEREAS, Chapter 10 of the Code sets forth the jurisdiction of the Municipal Court, provides for the appointment and qualifications of the Municipal Court Judge and regulates all aspects of the Hinesville Municipal Court;

WHEREAS, the City of Hinesville is authorized to provide for the health, safety, morals, convenience, order, propriety, and general welfare of the people of the City of Hinesville, Georgia; and

WHEREAS, the City of Hinesville is committed to establishing a Municipal Court Solicitor's position within the existing court structure system to prosecute all Municipal Court cases and perform such other related duties as set forth hereinafter.

IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Hinesville, Georgia, and by the authority thereof, that Chapter 10, Municipal Court, Sections 10-4 and 10-5 of the Code of the City of Hinesville, Georgia, be amended and Sections 10-13, 10-14, 10-15, 10-16, and 10-17 be added to read as follows:

ORDINANCE TEXT

Sec. 10-4. Service of Summons.

Misdemeanor offenses or ordinance violations within the jurisdiction of the Municipal Court may be tried upon a uniform traffic citation, summons, citation or an accusation. Provisions of this chapter relating to a summons may also be applied to such other forms of process as applicable. Any person charged with violating any City ordinance shall receive notice by service of a summons as herein provided. Such summons may be issued by the Municipal Court Judge, the Municipal Court Solicitor, Director of Inspections, City Manager, Fire Chief, Chief of Police, City Attorney, City Clerk, any Department of Inspections Code Enforcement Officers or any Police Officer of the City. 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 Municipal Court Judge to answer the accusation made. Service of the summons shall be made by a Police Officer of the City or a Department of Inspections Code Enforcement Officer either by serving the accused personally or by leaving a copy at the most notorious place of abode, except that in the case of a summons issued for violation of laws or ordinances relating to 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.

Sec. 10-5. Subpoenas.

The Municipal Court Judge, the Municipal Court Solicitor, the Municipal Court Clerk or a Municipal Court Deputy Clerk 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.

Sec. 10-13 Appointment of Municipal Court Solicitor.

The Municipal Court Solicitor shall be appointed by and shall serve at the pleasure of the Mayor and at least four (4) members of the City Council.

Sec. 10-14. Qualifications of the Municipal Court Solicitor.

The Municipal Court Solicitor shall be a resident of the judicial circuit in which the court is located. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia at the time of appointment, and has been actively practicing law for at least three (3) years preceding the appointment.

In performing duties for the City of Hinesville, the Municipal Court Solicitor shall abide by the applicable Rules of Professional Conduct set forth by the State Bar of Georgia, as amended from time to time.

Sec. 10-15. Oath.

Before entering upon the duties of this office, the Municipal Court Solicitor shall take the oath prescribed by the Code for City officers.

Sec. 10-16. Duties.

The Municipal Court Solicitor shall serve as the chief legal officer of the Municipal Court, with general responsibility for prosecuting all cases involving state traffic offenses, city ordinance violations, and misdemeanor and marijuana possession cases which occur within the Hinesville city limits. In such capacity, the Municipal Court Solicitor shall:

- 1) Supervise and direct all Municipal Court prosecutions;
- 2) Investigate charges and make charging decisions following review and evaluation of police reports in light of applicable law;
- 3) Assist the Municipal Court Judge with questions regarding appellate court decisions, relevant legislative changes and other issues affecting the Court;
- 4) Consult and advise police officers in methods for conducting detailed investigation and written documentation of the investigations, advise them on specific investigations and prepare them for trial;
- 5) Issue subpoenas and criminal misdemeanor warrants;
- 6) Review citations for factual accuracy, making corrections as warranted;
- 7) Conduct pretrial conferences with defendants and defense counsel to discuss cases, make sentence recommendations and negotiate appropriate pleas;
- 8) Furnish the Municipal Court Judge and the administrative staff with professional legal opinions, advice and recommendations relative to any legal matter affecting Municipal court business and operations;
- 9) Research and draft memoranda and appeal briefs on matters appealed from the Hinesville Municipal court;
- 10) Perform such further duties of a legal nature as are from time to time assigned by the Municipal Court Judge, the Mayor or City Council.

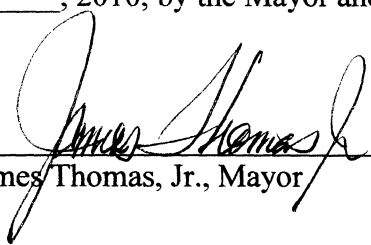
Sec. 10-17. Compensation.

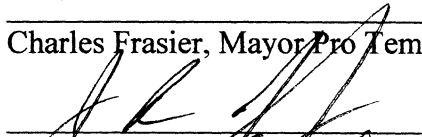
The Municipal Court Solicitor shall receive compensation established from time to time by resolution of the Mayor and City Council.

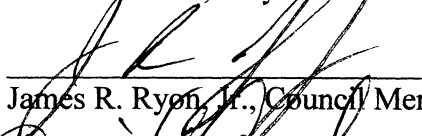
EFFECTIVE DATE

This Ordinance shall become effective on the 18th day of March, 2010.

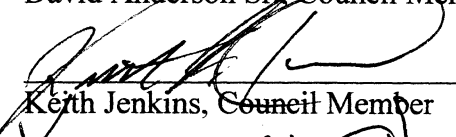
APPROVED this 18th day of March, 2010, by the Mayor and Council of the City of Hinesville.

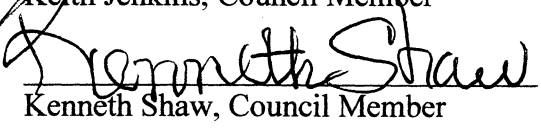

James Thomas, Jr., Mayor


Charles Frasier, Mayor Pro Tem


James R. Ryon, Jr., Council Member


David Anderson Sr., Council Member


Keith Jenkins, Council Member


Kenneth Shaw, Council Member

ATTEST:


Sarah Lumpkin, City Clerk

(SEAL)