

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2008-28

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO ADOPT A NEW FINE AND BOND SCHEDULE, CHAPTER 11 OFFENSES, ARTICLE I IN GENERAL, SECTION 11-1 CASH BONDS; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council of the City of Doraville, Georgia are the duly elected governing authority thereof;

WHEREAS, the Municipal Court Judges of the Doraville Municipal Court are the duly appointed judicial body which provides justice and due process to those persons who appear before said court of law;

WHEREAS, the Mayor and Council in consultation with the Municipal Court Clerk, the Chief of Police, and the Municipal Court Judges, have reviewed and adopted a current fine and bond schedule in accordance with Article VI, Section I, Paragraph I generally and Article I, Section I, Paragraph XVII of the Constitution of the State of Georgia as well as Official Code of Georgia (O.C.G.A.) Sections 15-7-84 and 15-10-154 generally; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA
HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Chapter 11 Offenses, Article I In General, Section 11-1 Fines and Bonds, which said section reads as follows:

"Chapter 11 Offenses.

Article I. In General.

Sec. 11-1. Fines and Bonds.

Bond amounts for offenses shall be in such amounts as shall be established from time to time by the Mayor and Council in consultation with the Municipal Court Clerk, the Chief of Police, and the Municipal Court Judges, and shall be listed in a bond schedule on file and available for reference and review in the City Clerk's office, the police department and the municipal court clerk's office. The municipal court judge shall have the discretion to set the amount of the bond within the limits provided in the bond schedule. The following fine and bond schedule is adopted until such time as the same is amended or repealed. Other fines for local ordinance violations may be assessed pursuant to duly adopted ordinances and such fines may not necessarily be reflected in this schedule. Adoption of this schedule is not intended to prevent the creation of other fines as may be determined by the Mayor and Council.

See Exhibit "A" Fine and Bond Schedule attached hereto and incorporated herein located in the City Clerk's office.

. . . ."

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor or Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this 3 day of November, 2008.

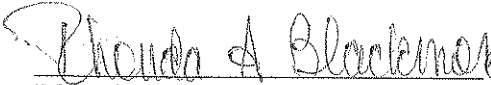
CITY OF DORAVILLE, GEORGIA


Ray Jenkins, Mayor


October 27, 2008
First Reading

November 3, 2008
Second Reading

ATTEST:

 (SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:


Murray J. Weed, City Attorney

OFFENSE	GA CODE SECTION	CITY ORD SECTION	FINE	SURCHARGES	TOTAL	BOND
Animals						
Removal of excrement		4-3(c)	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Removal of excrement - 2nd and subsequent offenses		4-3(c)	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Noise		4-3(d)	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Noise - 3rd and subsequent offenses		4-3(d)	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Duty to restrain		4-5	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Duty to restrain - 3rd and subsequent offenses		4-5	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Guard dogs		4-19	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Guard dogs - 2nd and subsequent offenses		4-19	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Rabies tag		4-22	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Rabies tag - 2nd and subsequent offenses		4-22	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Beer & Wine Ord. Violations:						
Sales to minors		3-69	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Failure to check I.D.		3-250	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Sales by minors		3-75	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Selling without permit		3-54 and 3-97	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Building permit required		5-1	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Business license required		6-611	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Curfew hours for minors		11-151				
1st offense			\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
2nd offense			\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Disorderly house		11-14(i)	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Creating a hazardous condition		11-26	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Distilled spirits						
Sales to minors		3-165	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Failure to check i.d.		3-250	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Sales by minors		3-209	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Selling without permit		3-166 and 3-192	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Disturbing the peace		11-10	\$ 300.00	\$ 105.00	\$ 405.00	\$ 465.00
Open container		11-20	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Failure to pay Marta fare		11-21	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00

OFFENSE	GA CODE SECTION	CITY ORD SECTION	FINE	SURCHARGES	TOTAL	BOND
Failure to pay cab fare		22-21	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Illegal parking		19-67				
Prohibited parking - fine paid within 10 days		19-67	\$ 20.00			
Prohibited parking - fine paid after 10 days		19-67	\$ 100.00			
Fire lane - fine paid within 10 days		19-67	\$ 200.00			
Fire lane - fine paid after 10 days		19-67	\$ 100.00			
Handicapped parking space - fine paid within 10 days		19-67	\$ 200.00			
Handicapped parking space - fine paid after 10 days		19-108	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Junk vehicles - 1st offense		19-108	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00
Junk vehicles - 2nd offense et seq.		11-13	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Loitering		11-14(d)	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Loitering for prostitution		11-7	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Malicious mischief		3-68 and 3-164	\$ 350.00	\$ 123.00	\$ 473.00	\$ 543.00
Minor in possession of alcohol		10-3	\$ 250.00	\$ 75.00	\$ 325.00	\$ 375.00
Noise ordinance		11-19	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Possession of marijuana < 1 oz.		14-8	\$ 500.00			
Prohibited signs						
Property maintenance - fines for 1st offense						
Appearance of property		5-35	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Holiday decorations		5-35A	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Tall grass/weeds/hedges		5-36	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
General maintenance		5-38	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Structural maintenance		5-39	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Driveway limitations		5-40	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Visible address required		5-41	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Cleanliness of property		5-41	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Abandoned appliances		11-6(b)	\$ 200.00	\$ 70.00	\$ 270.00	\$ 310.00
Public drunkenness		11-11	\$ 100.00	\$ 35.00	\$ 135.00	\$ 155.00
Public indecency		11-10(11)	\$ 500.00	\$ 175.00	\$ 675.00	\$ 775.00
Resisting arrest		11-10(2)	\$ 1,000.00	\$ 300.00	\$ 1,300.00	\$ 1,400.00

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OFFENSE	GA CODE SECTION	CITY ORD SECTION	FINE	SURCHARGES	TOTAL	BOND
Abandoned vehicle	40-11-1	19-107	\$ 500.00	\$ 151.00	\$ 651.00	\$ 751.00
1st offense			\$ 999.37	\$ 251.63	\$ 1,251.00	\$ 1,351.00
2nd and subsequent offenses			\$ 530.21	\$ 157.79	\$ 688.00	\$ 788.00
Altered drivers license	40-5-125		\$ 499.43	\$ 151.57	\$ 651.00	\$ 751.00
Concealing or misrepresenting identy of vehicle	40-2-5		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Crossing the gore	40-6-50		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Crossing divided median	40-6-50(b)		\$ 736.35	\$ 323.65	\$ 1,060.00	\$ 1,210.00
DUI - 1st	40-6-391			\$ 25.00		
2nd and subsequent convictions in 5 yrs. - publ	40-6-391(i)		\$ 999.37	\$ 402.63	\$ 1,402.00	\$ 1,552.00
DUI - 2nd in 5 years	40-6-391		\$ 840.19	\$ 354.81	\$ 1,195.00	\$ 1,345.00
DUI - 2nd in lifetime	40-6-391		\$ 4,999.43	\$ 1,602.57	\$ 6,602.00	\$ 6,752.00
DUI - 3rd in 5 years	40-6-391		\$ 999.37	\$ 402.63	\$ 1,402.00	\$ 1,552.00
DUI - 3rd in lifetime	40-6-391		\$ 999.37	\$ 402.63	\$ 1,402.00	\$ 1,552.00
DUI endangering child	40-6-391(k)(1)		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Defective equipment	40-8-7		\$ 258.65	\$ 93.35	\$ 352.00	\$ 452.00
Driving around railroad	40-6-142		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Driving wrong side of road	40-6-40		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Driving without lights	40-8-20		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Expired drivers license	40-5-32(a)		\$ 60.95	\$ 20.05	\$ 81.00	\$ 181.00
Expired emissions	40-8-130		\$ 99.43	\$ 31.57	\$ 131.00	\$ 231.00
Expired tag	40-2-8		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Failure to dim high beams	40-6-48		\$ 320.95	\$ 98.05	\$ 419.00	\$ 519.00
Failure to maintain lane	33-6-21		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Failure to secure load	40-6-123(b)		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Failure to use signal	40-6-74(a)		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Failure to yield emergency vehicle	40-6-70		\$ 1,051.05	\$ 261.95	\$ 1,313.00	\$ 1,463.00
Failure to yield right of way	40-6-395(a)		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Fleeing & attempt to elude	40-6-49		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Following to close	40-5-120		\$ 99.43	\$ 31.57	\$ 131.00	\$ 231.00
Ga. License required	40-2-20					
Ga. Resident 30 days to obtain tag						

OFFENSE	GA CODE SECTION	CITY ORD SECTION	FINE	SURCHARGES	TOTAL	BOND
Habitual violator not served	40-5-58		\$ 5,217.70	\$ 1,095.30	\$ 6,313.00	\$ 6,463.00
Habitual violator served	40-5-58		\$ 5,217.70	\$ 1,095.30	\$ 6,313.00	\$ 6,463.00
Handicap parking violation	40-6-26		\$ 320.95	\$ 97.05	\$ 418.00	\$ 518.00
Improper backing	40-6-240		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Improper lane change	40-6-48		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Improper lane use	40-6-48		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Improper left turn	40-6-120(a)(2)		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Improper passing	40-6-46		\$ 144.81	\$ 45.19	\$ 190.00	\$ 290.00
Improper passing school bus	40-6-163		\$ 530.21	\$ 157.79	\$ 688.00	\$ 788.00
Improper tag display	40-2-41		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Laying drags	40-6-251		\$ 320.95	\$ 97.05	\$ 418.00	\$ 518.00
Leaving scene of accident	40-6-270		\$ 999.37	\$ 251.63	\$ 1,251.00	\$ 1,401.00
Must exhibit license	40-5-29(b)		\$10.00max	none	\$10.00max	\$ 10.00
New resident 30 days to obtain tag	40-2-90		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
No license	40-5-20		\$ 500.00	\$ 151.00	\$ 651.00	\$ 751.00
No proof of insurance	40-6-10		\$ 530.21	\$ 157.79	\$ 688.00	\$ 788.00
(if obtain insurance prior to Court)			\$ 424.81	\$ 129.19	\$ 554.00	\$ 654.00
No tag	40-2-20		\$ 100.00	\$ 31.00	\$ 131.00	\$ 231.00
Obedience to police	16-10-24		\$ 280.20	\$ 71.80	\$ 352.00	\$ 452.00
Open container	40-6-253		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Operating vehicle with headphones	40-6-250		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Passing certain stationary vehicles	40-6-16		\$ 499.43	\$ 151.57	\$ 651.00	\$ 751.00
Racing	40-6-186a		\$ 999.37	\$ 251.63	\$ 1,251.00	\$ 1,401.00
Reckless driving	40-6-390a		\$ 791.05	\$ 209.95	\$ 1,001.00	\$ 1,151.00
Red light violation	40-6-20		\$ 165.57	\$ 51.43	\$ 217.00	\$ 317.00
Seat belt [child restraint] violation:						
4 years and under (1st Offense)	40-8-76(b)		\$50.00max	none	\$50.00max	\$ 50.00
4 years and under (2nd Offense)	40-8-76(b)		\$100.00max	none	\$100.00max	\$ 100.00
5 years - 18 years	40-8-76.1(e)(3)		\$25.00max	none	\$25.00max	\$ 25.00
18 years and older	40-8-76.1(b)		\$15.00max	none	\$15.00max	\$ 15.00

OFFENSE	GA CODE SECTION	CITY ORD SECTION	FINE	SURCHARGES	TOTAL	BOND
Speeding:						
Under 20 mph over limit	40-6-181		\$ 165.57	\$ 51.43	\$ 217.00	
Under 20 mph over limit - school zone	40-6-181		\$ 217.11	\$ 66.89	\$ 284.00	\$ 317.00
20-29 mph over limit	40-6-181		\$ 269.43	\$ 82.57	\$ 352.00	\$ 384.00
20-29 mph over limit - school zone	40-6-181		\$ 373.27	\$ 113.73	\$ 487.00	\$ 452.00
30+ over limit	40-6-181		\$ 373.27	\$ 113.73	\$ 487.00	\$ 587.00
30+ over limit - school zone	40-6-181		\$ 634.37	\$ 178.63	\$ 813.00	\$ 587.00
35+ over limit	40-6-181		\$ 530.21	\$ 157.79	\$ 688.00	\$ 913.00
35+ over limit - school zone	40-6-181		\$ 791.05	\$ 209.95	\$ 1,001.00	\$ 788.00
40+ over limit	40-6-181		\$ 791.05	\$ 209.95	\$ 1,001.00	\$ 1,101.00
40+ over limit - school zone	40-6-181		\$ 999.37	\$ 251.63	\$ 1,251.00	\$ 1,101.00
Speeding - First Offense:						\$ 1,351.00
5 mph or less over limit	40-6-1		\$ 0.00	\$ 0.00	\$ 0.00	
6-10 mph over limit	40-6-1		\$ 24.81	\$ 9.19	\$ 34.00	
11-14 mph over limit	40-6-1		\$ 99.43	\$ 31.57	\$ 131.00	\$ 58.00
15-18 mph over limit	40-6-1		\$ 124.81	\$ 39.19	\$ 164.00	\$ 231.00
19-23 mph over limit	40-6-1		\$ 149.43	\$ 46.57	\$ 196.00	\$ 264.00
24-34 mph over limit	40-6-1		\$ 500.00	\$ 151.00	\$ 651.00	\$ 296.00
Stop sign violation	40-6-72		\$ 113.27	\$ 35.73	\$ 149.00	\$ 751.00
Striking unattended vehicle	40-6-271		\$ 320.95	\$ 98.05	\$ 419.00	\$ 249.00
Striking fixed object	40-6-272		\$ 113.27	\$ 35.73	\$ 149.00	\$ 519.00
Suspended or revoked license						\$ 249.00
1st offense (2 days jail)	40-5-121		\$ 738.54	\$ 321.46	\$ 1,060.00	
2nd offense (10 days jail)	40-5-121		\$ 2,000.00	\$ 451.00	\$ 2,451.00	\$ 1,210.00
Suspended canceled or revoked registration:						\$ 2,601.00
1st offense	40-6-15		\$ 1,000.00	\$ 251.00	\$ 1,251.00	
2nd offense (10 days jail-min.)	40-6-15		\$ 2,500.00	\$ 551.00	\$ 3,051.00	\$ 1,401.00
Taglight requirement	40-8-23(d)		\$ 113.27	\$ 35.73	\$ 149.00	\$ 3,201.00
Tailight requirement	40-8-23		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Tire requirement	40-8-74		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00
Too fast for conditions	40-6-180		\$ 113.27	\$ 35.73	\$ 149.00	\$ 249.00

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