

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2011-34

AN ORDINANCE TO ADOPT PROVISIONS IN CHAPTER 9 (MUNICIPAL COURT) OF THE CODE OF THE CITY OF DORAVILLE MAKING IT A VIOLATION FOR FAILURE TO APPEAR PURSUANT TO A SUMMONS IN MUNICIPAL COURT.

WHEREAS, the Mayor and Council of the City of Doraville are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Municipal Court of the City currently issues summons and citations for violation of state and municipal law; and

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

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

Section 1

Chapter 9 ("Municipal Court") of the Code of Ordinances, City of Doraville, is hereby amended by addition of a new Section 9-7, entitled "Summons; Failure to Appear" to read as follows:

Sec. 9-7. Summons; Failure to Appear

- (a) *Any member of the department of police, the solicitor of the municipal court and the assistant solicitor, in all cases where a complaint is made or information is obtained of any violation of this Code or other laws or ordinances of the City, shall issue a summons, directed to the accused, requiring the accused to appear*

before the municipal court to answer this charge. The summons shall designate the time and place of arraignment or trial and shall be signed by the member of the department of police, the solicitor or assistant solicitor issuing it and a copy thereof shall be served upon the accused either personally, by leaving the copy at the place of residence of the accused, or by certified mail, return receipt requested.

- (b) *It shall be unlawful, upon proof of actual notice of the summons by Defendant, 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. 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 department of police 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. The chief of corrections shall keep the defendant in custody until the defendant is brought before the court, unless the defendant posts bond for appearance, as provided by law.*

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 and 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

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this 25th day of July, 2011.

CITY OF DORAVILLE, GEORGIA


Mayor

July 18, 2011
First Reading

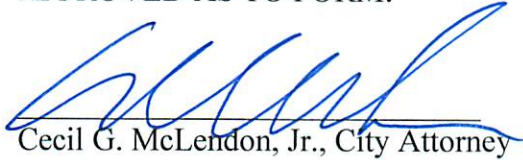
July 25, 2011
Second Reading

ATTEST:


Melissa McCain, City Clerk (SEAL)



APPROVED AS TO FORM:


Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Roche	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Donna Pittman	<input type="checkbox"/>	<input type="checkbox"/>