

STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2017-01

AN ORDINANCE TO AMEND CHAPTER 4 (“MUNICIPAL COURT”) OF TITLE 2 (“GENERAL GOVERNMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY AMENDING SECTION 2-4-15 (“ACTING JUDGE”) AND ADDING A NEW SECTION 2-4-15.1; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (hereinafter the “City”) is the Mayor and Council thereof; and

WHEREAS, House Bill 691 was passed by the State of Georgia in 2016; and

WHEREAS, House Bill 691 amends Article I of Chapter 32 of Title 36 of the Official Code of Georgia; and

WHEREAS, Article I of said Title and Chapter regulates municipal courts—including but not limited to the appointment and removal of municipal judges; and

WHEREAS, prior to the passage of House Bill 691, Section 36-32-2 of said Article, Title and Chapter provided that municipal judges served at the pleasure of the municipality’s governing authority; and

WHEREAS, House Bill 691 amends Section 36-32-2 of said Article, Title and Chapter to provide that municipal court judges shall serve definite terms and are removable only for cause; and

WHEREAS, the governing authority desires to amend its Code of Ordinances to comply with state law; and

WHEREAS, the governing authority of the City determines that compliance with House Bill 691 will provide for the health, safety, and welfare of the inhabitants of the City;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA THAT:

Section One. Section 2-4-15 (“Acting Judge”), of Chapter 4 (“Municipal Court”), of Title 2 (“General Government”) of the Code of Ordinances, City of Morrow, Georgia is hereby amended by deleting the existing text and inserting the following text, in lieu thereof, to read to and to be codified as follows:

“Sec. 2-4-15. – Chief Judge.

- (a) The mayor and council may appoint an individual to serve as chief judge to preside over the city’s municipal court. The chief judge shall be responsible for the general supervision of the municipal court and shall promulgate all rules necessary for the supervision, conduct, and administration of the court.
- (b) Any individual appointed as a chief judge under this Code section shall possess such qualifications as set forth in O.C.G.A. § 36-32-1.1 and shall receive compensation in the amount of \$408.67 per session worked to be paid monthly.
- (c) The chief judge shall serve a term of no less than one year, which will be established in a written agreement between the mayor and council and such judge.
- (d) Notwithstanding the duration of the term of the chief judge, he or she may be removed from office. Such removal can occur only as provided in O.C.G.A. § 36-32-2.1.
- (e) Notwithstanding the duration of the term of the chief judge, unless the he or she is removed from office, he or she shall serve until his or her successor is appointed.”

Section Two. Chapter 4 (“Municipal Court”), of Title 2 (“General Government”) of the Code of Ordinances, City of Morrow, Georgia is hereby amended by adding a new section, Section 2-4-15.1, to be entitled “Acting Judge”, to read to and to be codified as follows:

“Sec. 2-4-15.1. – Municipal Court Judge Pro Tem.

- (a) The mayor and council may appoint a municipal court judge pro tem, who shall be acting municipal court judge in the absence, disability or disqualification of the chief municipal court judge. The acting municipal court judge shall have all the powers and perform all the duties of the chief municipal court judge when necessary.
- (b) The municipal court judge pro tem shall possess such qualifications as set forth in O.C.G.A. § 36-32-1.1 and shall receive compensation in the amount of \$408.67 per session worked to be paid monthly
- (c) The municipal court judge pro tem shall serve a term of no less than one year, which will be established in a written agreement between the mayor and council and such judge.
- (d) Notwithstanding the duration of the term of the municipal court judge pro tem, he or she may be removed from office. Such removal can occur only as provided in O.C.G.A. § 36-32-2.1.
- (e) Notwithstanding the duration of the term of the municipal court judge pro tem, unless the he or she is removed from office, he or she shall serve until his or her successor is appointed.”

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

Section Four. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Five. (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 Six. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Seven. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 10th day of January, 2017.



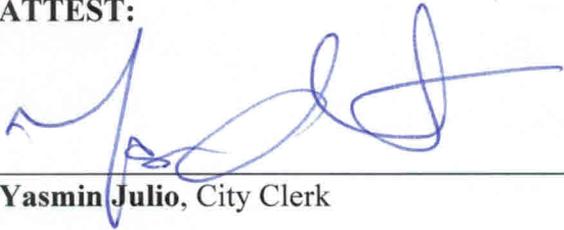
CITY OF MORROW, GEORGIA



Jeffrey A. DeTar, Mayor

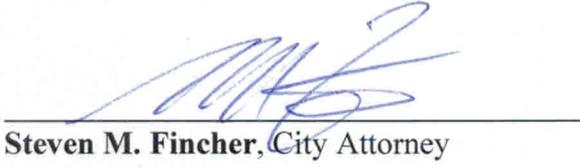
SIGNATURES CONTINUED TO NEXT PAGE

ATTEST:



Yasmin Julio, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney