

STATE OF GEORGIA  
COUNTY OF GWINNETT

ORDINANCE O-69-08

AN ORDINANCE TO AMEND CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO MODIFY SECTION 38-1 TO INCREASE MAXIMUM FINE FROM \$500 TO \$1000 AND SECTION 38-11 TO INCREASE THE MAXIMUM COURT COSTS CHARGED AGAINST A DEFENDANT FROM \$500 TO \$1000; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A REPEAL OF CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sec. 38-1. Scope of jurisdiction.**

The court for the city shall be called the municipal court of the city, and its scope of jurisdiction shall include the following:

- (1) The municipal court shall try and punish violations of the city Code, the city Charter, all city ordinances, and such other violations as provided by law.
- (2) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (3) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of ~~\$500.00~~ \$1000.00 or imprisonment for 60 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now, or hereafter provided by law.
- (4) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (5) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for any person's appearance and the person for whom bail is given shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is

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accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

- (6) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
- (7) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (8) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

(Code 2004, § 5-101)

#### **Sec. 38-11. Court costs.**

The costs which shall be charged against a defendant in the municipal court in the event of his conviction shall not exceed \$1000.00, which sum shall be paid into the city treasury.

(Code 2004, § 5-111)

**Comment [LGT1]:** Not quite sure what you all want to do with this section since it isn't a fine.

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