

CHAPTER 5: MUNICIPAL COURT

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Section 5-101 Scope of Jurisdiction

The Municipal Court of Danielsville shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid. City courts shall function according to guidelines found in O. C.G.A. § 36-32-1 *et seq.*

Section 5-102 Appointment and Qualifications of Judge

The Mayor and City Council is authorized to appoint a judge of the Municipal Court who shall serve in lieu of the Mayor or other members of the Mayor and City Council. Any person appointed as a judge shall possess such qualifications and shall receive such compensation as shall be fixed by the Mayor and City Council and shall serve at the pleasure of the governing authority.

Section 5-103 Required Training for Judges of Municipal Courts

1. All judges of the Municipal Courts shall periodically satisfactorily complete a training course as provided in Article 2 of O.C. G.A. § 36-32-11.
2. If any municipal judge does not satisfactorily complete the required training in any year, the Georgia Municipal Courts Training Council shall promptly notify the Judicial Qualifications Commission, which shall remove the municipal judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the municipal judge.
3. The reasonable costs and expenses of such training shall be paid by the governing authority of the municipality from municipal funds.

4. Any person who becomes a municipal judge on or after January 1, 1991, shall satisfactorily complete twenty (20) hours of training in the performance of his/her duties, prior to December 31, 1991, and shall attend the first scheduled training session held after the date of his/her election or appointment in order to become certified under this article. Any person serving as a municipal judge prior to January 1, 1991, shall be exempt from completing these twenty (20) hours of training.
5. In order to maintain the status of a certified municipal judge, each person certified as such shall complete twelve (12) hours of additional training per annum during each calendar year after the year of his/her initial certification in which he serves as municipal judge.

Section 5-104 Bailiff

The Bailiff of the Municipal Court shall be appointed by the Mayor, by and with the advice and consent of the City Council. The duties of the Bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the Judge of the Municipal Court and the City Clerk/Treasurer.

Section 5-105 Record of Cases

A record of all cases heard in the Municipal Court for violation of this code or other municipal ordinances shall be kept in a suitable bound volume by the City Clerk/Treasurer. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.

Section 5-106 Limitations

All prosecutions for violations of city ordinances shall be commenced within two (2) years after the commission of the crime.

Section 5-107 Service of Summons

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 City Clerk/Treasurer, the Building Inspector, 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 Judge of the Municipal Court to answer accusations made. Service of the summons shall be made by a police officer of the city either by serving the accused personally or by leaving a copy at his/her most notorious place of abode, except that in the case of a summons issued for violation of laws or ordinances relating to the 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.

Section 5-108 Subpoenas

The City Clerk/Treasurer 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.

Section 5-109 Failure to Obey Summons or Subpoena

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for same.

Section 5-110 Arrest and Bond

When a police officer has arrested any person for violation of any provision of this code or any municipal ordinance and trial cannot be had immediately, the officer may take cash bond not exceeding the maximum fine for the offense, or a bond with a good security, for the appearance of such person before the Judge of the Municipal Court. If such person fails or refuses to give a bond, the officer may confine him or her in the city jail until a trial can be held, provided that the Mayor, in his/her discretion, may release such person on his/her own recognizance without security. No person shall be incarcerated in the city jail for more than seventy-two (72) hours without being tried by the Municipal Judge.

Section 5-111 Forfeiture of Bond

Upon the failure of a person to appear in the Municipal Court at the time and place fixed by the summons, unless legal excuse is offered in his/her behalf, the Judge of said court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than ten (10) days from the passage of such ruling, why they should not be required to pay the amount of said bond. If no sufficient cause is shown, the Judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the City Clerk/Treasurer to issue execution there

Section 5-112 Court and other Costs

The following costs shall be charged against any defendant, which sum shall be paid into the city treasury.

Jail Cost	Actual costs charged to City
Intoxication Fee	\$25.00 (one time fee included w/fine)
Court Cost	\$5.00 per fine
CVA	\$25.00 (only charged w/DUI)
<i>10% surcharge per fine</i>	

Section 5-113 Malicious Prosecution

Whenever the Judge of the Municipal Court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.

Section 5-114 Fines

Code Section	Title	Fine
Registration		
40-2-4	Illegal Manufacture of Tag	100
40-2-5	Use of Tag to Conceal ID	500
40-2-6	Altered/Improper Tag Transfer	100
40-2-6.1	Impeding Surveillance X Tag Cover	100
40-2-7	Removing or Displaying Tag	100
40-2-8	Expired Tag/Unregistered	125
40-2-8.1	Revalidation Decal not Affixed	50
40-2-41	Improper Tag Display	50

Code Section	Title	Fine
License		
40-5-20	Driving While Unlicensed	250
4-5-20a	Failure to Update Address	50
40-5-24	Violation of License Class	100
40-5-29	License not on Person	10
40-5-30	Violation of License Restriction	125
40-5-32	Expired License	100
40-5-58	Habitual Violator (Misd)	750
40-5-64	Violation of Limited Permit	750
40-5-65	Restriction (with foreign permit)	750
40-5-120	Unlawful Use of License	250
40-5-121	Suspended License (First)	750
40-5-121	Suspended License (second)	900
40-5-122	Allow Unlicensed Driver to Drive	200
40-5-123	Allow Unlicensed Minor to Drive	200
40-5-125	Fake Drivers License/ID Card	500
40-5-143	Driving Comm.Veh.W/2 Licenses	250
40-5-146	Driving Comm. Veh.W/Out Valid License	750
40-5-147	Permit Restriction (Comm. Veh.)	250
Uniform Rules Of The Road		
40-6-2	Fail To Obey Off. Directing Traffic	125
40-6-10	No Proof Insurance (All Vehicles)	25
40-6-10	No Insurance (1 st)	250
	No Insurance (2 nd)	500
	No Insurance (3 rd)	750
40-6-11	No Proof Insurance (Motorcycle)	25
40-6-14	Excessive Radio Volume	200
40-6-15	Suspended Registration (1st)	350
40-6-15	Suspended Registration (2nd)	1200
40-6-20	Failure To Obey Traffic Control	125
40-6-26	Interference With Traffic Device	250
40-6-40	Driving on Wrong Side Of Road	125
40-6-40	Slower Traffic Keep Right	100
Uniform Rules Of The Road (Cont'd)		
40-6-41	Pass In Opposite Direction (No Lanes)	125
40-6-42	Improper Passing Same Direction	125
40-6-43	Improper Passing on the Right	125
40-6-44	Improper Passing on the Left	125
40-6-45	Improper Passing (Hillcrest, DYCL)	125
40-6-46	Passing in No Passing Zone (DYCL)	125
40-6-47	Wrong Way On One Way Street	125
40-6-48	Improper Driving (Weaving)	125
40-6-49	Following Too Closely (No Wreck)	125
40-6-49d	Following Too Closely (In A Wreck)	175
40-6-50	Driving In Emergency Lane/Median	125
40-6-51	Restricted Vehicle on Roadway	125
40-6-55	Vehicles To Yield to Bicyclist	125
40-6-71	Failure To Yield Turning Left	125
40-6-72	Failure To Obey Stop or Yield Sign	125
40-6-72b	Failure To Yield After Stopping (SS)	125
40-6-73	Failure To Yield Entering Road	125
40-6-74	Failure To Yield To Emergency Vehicles	125
40-6-76	Failure To Yield To Funeral Procession	100

Code Section	Title	Fine
Pedestrian Rules And Violations		
40-6-90	Failure To Obey Pedestrian Control	125
40-6-91	Failure To Yield To Pedestrian In CrossWalk	175
40-6-91b	Pedestrian Must Not Dart Into Traffic	125
40-6-91d	Passing Vehicle Stopped For Pedestrian	175
40-6-92	Pedestrian Not In Crosswalk	125
40-6-94	Failure To Yield To Blind Pedestrian	175
40-6-95	Pedestrian Under The Influence	175
40-6-96	Pedestrians In Roadway	125
40-6-97	Soliciting Ride While In Roadway	125
40-6-98	Driving Through Safety Zone	125
40-6-99	Pedestrian Must Yield To Emergency Vehicle	125
Turning, Signaling, Parking		
40-6-120	Improper Left or Right Turn	125
40-6-121	Improper U-Turns	125
40-6-122	Starting Vehicle While Unsafe	125
40-6-123	Signals Required/Improper Lane Change	125
40-6-124	Failure To Use Turn Signals	125
40-6-126	Improper Use of Center Turn Lane	125
40-6-144	Driving On Sidewalk	125
School Buses		
40-6-160	Speeding In School Bus	125
40-6-161	Headlights On While Bus Loaded	50
40-6-163	Passing Stopped School Bus	500
Speed Restrictions		
40-6-180	Speeding/Too Fast For Conditions	125
40-6-181	Speeding (11-14 Over)	100
	Speeding (15-19 Over)	125
	Speeding (20-24 Over)	150
	Speeding (25-29 Over)	250
	Speeding (30-39 Over)	500
	Speeding (40+ Over)	1000
40-6-184	Impeding Traffic (Too Slow/Stop)	100
40-6-186	Racing	500
Stopping/Parking In Roadway		
40-6-202	Parked In Road In Front Of Business/Residence	100
40-6-203	Improper Stopping In Roadway	100
40-6-205	Obstructing Intersection	125
40-6-226	Parking In Handicap Space	250
Miscellaneous Section		
40-6-240	Improper Backing	125
40-6-241	Distracted Driver (1 st)	50
	Distracted Driver (2 nd)	100
	Distracted Driver (3 rd)	150
40-6-242	Obstructing Drivers View	100
40-6-243	Open Vehicle Doors In Road	125
40-6-247	Following Emergency Vehicle	250
40-6-248	Driving Over Fire Hose	500
40-6-249	Littering	100
40-6-251	Laying Drags	250
40-6-252	Driving Through Parking Lot After Warned	50
40-6-253	Open Container in Motor Vehicle	150

Code Section	Title	Fine
Miscellaneous Section (Cont'd)		
40-6-254	Unsecured Load	200
40-6-255	Gas Drive Off	100
Wreck Related Offenses		
40-6-270	Hit And Run	600
40-6-271	Failure To Report Striking Parked Vehicle	500
40-6-272	Failure To Report Striking Object	500
40-6-273	Failure To Report Wreck w/Injury	500
40-6-275	Failure To Move Vehicle From Roadway	100
Bicycles		
40-6-292	Carrying More Persons Than Seats	75
40-6-293	Bicycle Rider Holding Onto Vehicle	125
40-6-294	Failure To Ride To Far Right of Road	125
40-6-295	Bicycle Rider Carrying Item/Object	75
40-6-296	Lights Required on Bicycle	75
Motorcycles		
40-6-311	Safe Operation of Motorcycle	125
40-6-312	Operating Within Lanes of Road	125
40-6-313	Motorcyclist Clinging to Other Vehicle	125
40-6-314	Footrest and Handlebar Required	75
40-6-315	Helmet and Eye Protection Required	100
40-6-326	Intoxicated Operation of PAEMD	500
Mopeds		
40-6-351	Operating Moped Without License	250
40-6-352	Helmet Required for Moped	100
40-6-362	Low Speed Vehicle on Prohibited Road	75
DUI/Reckless Driving		
40-6-390	Reckless Driving	750
40-6-391	DUI	900
40-6-395	Fleeing and Attempting To Elude	750
40-6-397	Aggressive Driving	750
Equipment		
40-8-6	Alteration of Suspension	75
40-8-7	Unsafe Vehicle	125
40-8-8	Defective Speedometer	75
40-8-10	Operating Vehicle w/Nitrous Oxide	75
40-8-20	Headlights Required (Dark and Rain)	75
40-8-22	Headlight Required	75
40-8-23	Tail Light Requirements	75
40-8-25	Brake Lights Required	75
40-8-27	Flag, Requirements for Long Loads	75
40-8-31	Failure to Dim Headlights	75
40-8-50	Working Brakes Required	75
40-8-70	Horn Requirements	75
40-8-71	Exhaust Requirements	75
40-8-72	Mirrors Required	75
40-8-73	Windshield Requirements	75
40-8-73.1	Window Tint	75
40-8-74	Tire Requirements	75
40-8-75	Fenders/Covers Required	75
40-8-76	Child Restraint Violation (0-8 yrs) (1 st)	50

Code Section	Title	Fine
	Equipment (Cont'd)	
	Child Restraint Violation (0-8 yrs) (2 nd)	100
40-8-76.1	Child Restraint Violation (8-17 yrs)	25
	Adult Seat Belt	15
40-8-79	Under 18 Riding in Bed of Truck	75
40-8-90	Unlawful Blue Light	1000
	Local Ordinance Violations	
11-102	Avoiding Traffic Control Devices	50
11-103	Excessive Radio/Amp. Device (1 st)	100
	Excessive Radio/Amp. Device (2 nd)	150
	Excessive Radio/Amp. Device (3 rd)	300
11-109	Cruising/Loitering (1 st)	100
	Cruising/Loitering (2 nd)	150
	Cruising/Loitering (3 rd)	300
12-104	Unsecured Load	75
14-101	Noise Ordinances (1 st)	200
	Noise Ordinances (2 nd)	300
	Noise Ordinances (3 rd)	400
30-101	Animal Care and Safety (Non-Dog)	100
30-201	Dog Care and Duties	100
31-101	Disorderly Conduct	250
31-102	Discharging Firearm Offenses	100
31-108	Open Container	125
31-109	Cruising And Loitering (1 st)	50
	Cruising And Loitering (2 nd)	100
	Cruising And Loitering (3 rd)	150
31-111	Loitering And Prowling	250
31-112	Unlawful Assembly	75
31-113	Hindering LEO (Obstruction)	350
31-114	Shoplifting	250
31-115	Underage Sale/Possession/Consumption	250
31-116	Curfew Violation (Day)	150
31-119	Curfew Violation (Night)	150
31-125	Panhandling	100
31-126	Unlawful Possession of Marijuana	250
31-127	Affray	250
31-128	Public Drunk	250
	School And Construction Zone	
40-6-188	Speeding/Construction and School Zone (11-19 Over)	250
	Speeding/Construction and School Zone (20-24 Over)	350
	Speeding/Construction and School Zone (25-29 Over)	450
	Speeding/Construction and School Zone (30+ Over)	750
16-7-21	Criminal Trespass	250

(Effective 8/12/2013)

Community service work/jail confinement shall be at the Judge's sole discretion.

Section 5-115 Collection of Fines

When directed by the Judge of the Municipal Court, the City Clerk/Treasurer shall issue executions for fines imposed by said court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.

Section 5-116 Appeal

Appeals from decisions of the Municipal Court shall be taken to the Madison County Superior Court or State Court in the manner provided for appeals under state law.

Section 5-117 Municipal Court Convenes

The Municipal Court shall convene monthly at City Hall on the third Monday of the month at 5:30 p.m. unless there are no cases on the docket.

Section 5-118 Selection and Compensation of Municipal Court Judge

The Chief Judge of the Municipal Court shall be nominated and appointed by the Mayor and Council, shall be elected by a majority vote of the City Council, and shall serve at the pleasure of the Mayor and Council. The compensation for the Municipal Court Judge shall be One Hundred Fifty Dollars (\$150.00) for those months during which Municipal Court is in session, and Seventy-five Dollars (\$75.00) for those months in which Municipal Court is not in session.

Section 5-119 Selection and Compensation of Standby Municipal Court Judge

1. Pursuant to Section 4.11 of the Danielsville Charter, 1998 Ga. L. 3649 , standby judges for the City of Danielsville Municipal Court shall be nominated by the Chief Judge and appointed by the Mayor and Council members. Upon nomination by the Chief Judge, any standby judge of the Municipal Court of Danielsville shall be elected by majority vote of the City Council and shall serve at the pleasure of the Mayor and Council. The compensation for any standby Municipal Court Judge shall be Seventy-five Dollars (\$75.00) per hour for each day that the standby judge hears cases on the Municipal Court docket for those months during which Municipal Court is in session unless otherwise determined beforehand by motion duly passed and recorded by the Danielsville City Council.
2. Any standby judge duly nominated by the Chief Judge and appointed by the Mayor and Council as provided herein shall serve as standby judge until removed for cause by a vote of three (3) members of the City Council.
3. Any standby judge duly nominated and appointed as provided herein shall be available and authorized to hear individual cases, on a case by case basis if necessary, at the discretion of the Chief Judge and upon approval by the City council.

(Approved 5/15/01)