

AN ORDINANCE TO ESTABLISH A RECORDER'S COURT; THE OFFICE OF RECORDER FOR PEACHTREE CITY; TO PROVIDE FOR SESSION OF RECORDER'S COURT; LOCATION OF RECORDER'S COURT, POWERS OF RECORDER'S COURT; RULES OF PRACTICE AND PROCEEDURE IN RECORDER'S COURT; PENALTIES FOR FAILURE TO APPEAR; SUBPOENA-POWER, FIX BONDS FOR VIOLATIONS OF CITY ORDINANCES AND NON-APPEARANCE OF WITNESSES; IMPOSITIONS OF COST; CONTINUANCES OF PROCEEDINGS; FORM OF JUDGMENT, IMPOSITION OF ALTERNATIVE SENTENCES; EXECUTION TO COLLECT FINES; APPEALS FROM RECORDER'S COURT; LIMITATION FOR PROSECUTION; AUTHORITY TO PERMIT PRISONERS TO SPEND TIME AT HOME, OFFICE OF RECORDER, SELECTION, TERM OF OFFICE, COMPENSATION, QUALIFICATIONS FOR OFFICE OF RECORDER, POWERS, DUTY TO PRESIDE OVER RECORDER'S COURT; AUTHORITY TO IMPOSE SENTENCES, PROVIDE FOR RECORDER-PROTEM, POWERS OF RECORDER-PROTEM, AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Council of Peachtree City, and it is hereby ordained by the authority of the same as follows:

#### ARTICLE I. IN GENERAL

##### Section 1-1. Establishment, function.

There shall be a recorder's court in the city for the trial of offenders against the laws and ordinances thereof.

##### Section 1-2. Frequency, location of sessions.

The recorder's court shall be held at the office of the City Clerk at 7:00 P. M. on the first Monday in each calendar month, and at such other times as may be necessary.

##### Section 1-3. Powers enumerated.

The recorder's court shall have the following powers:

- (a) Conduct hearings. To hear and determine all causes of prosecution for violating the penal laws and ordinances of the city, and all other controversies arising under the laws and ordinances of this city;
- (b) Subpoena power. To compel the attendance of parties and witnesses and compel the production of papers;
- (c) Issuance of process. To issue all processes and writs necessary to the exercise of its jurisdiction;
- (d) Punish for contempt. To punish contempts by fine or imprisonment, or both;
- (e) Appoint officers. To appoint such special officers as may be necessary in the absence of the Chief of Police to execute its writs and processes;
- (f) Prescribe rules. To prescribe rules of practice in cases where there are no rules applicable;
- (g) Prescribe Bond. To prescribe amount of appearance bonds for violation of city ordinances of Peachtree City
- (h) Authority as to violations of State law. To bind over or commit to jail offenders against any criminal law of this State, whenever in the course of investigation before such officer a proper case therefor shall be made out by the evidence;

- (i) Other powers. To exercise such other powers as are necessary in the matters of its jurisdiction, or as may be conferred on it by law or ordinance.

Section 1-4. Arguments of counsel, rules of evidence.

The attorney representing the city, shall have the opening and conclusion in each case, unless the defendant introduces no evidence, in which case the defendant shall be entitled to the opening and conclusion of the argument. The defendant shall announce first if he is ready for trial. The rules of evidence shall be the same as in the Superior Court, as far as applicable to the case on trial.

Section 1-5. Failure to appear for trial.

If any person shall fail, refuse or neglect to appear for trial, after arrest and notice of the time of the trial, or to render a satisfactory excuse or showing for said failure, neglect or refusal to appear and answer the charge specified, he or she may be punished as for contempt, and the case shall be continued until such time as the court may direct. It shall be the duty of the police of the city to arrest the offender, when so ordered by the presiding officer of the court, and keep him in custody until he is brought before the court for trial.

Section 1-6. Authority to summon witnesses, punish for contempt.

The court shall have the power to preserve order and compel attendance of witnesses, punish for contempt by imprisonment not exceeding twenty days or fine not exceeding one hundred dollars, one or both.

Section 1-7. Subpoenas, service.

Subpoenas for witnesses may be served at any time before the time for appearance of the witness.

Section 1-8. Subpoenas duces tecum, service.

Subpoenas duces tecum shall be served at the latest on the day before the papers are to be produced.

Section 1-9. Right to examine witnesses separately.

In all cases before the court either party has the right to have the witnesses of the other part examined out of hearing of each other. The court shall, upon motion of either party, take proper care to effect this object, as far as practical and convenient, but any mere irregularity, or a failure of the witness to obey the order of the court, shall not prevent the witness from testifying.

Section 1-10. Preventing witnesses attending court, intimidating witness.

It shall be unlawful for any person to prevent or attempt to prevent the attendance of any witness or witnesses, or to intimidate any witness at or subpoenaed to attend the court, by threat, menace, persuasion or any other means. Such person shall be in contempt of this court.

Section 1-11. Bond of witness; amount, conditions.

The presiding officer shall have authority to order any witness, either for the city or the defendant, to be put under bond to be set by the recorder, for his appearance at the trial of any case in which he is subpoenaed as a witness. Upon failure of the witness to give bond he shall be committed until the day or hour of trial.

Section 1-12. Imposition of costs of prosecution upon Prosecutor.

Costs of prosecution shall not be chargeable to the prosecutor, unless the court trying the same shall find the prosecution malicious and without probable cause, in which event the prosecutor shall pay the costs instant, under penalty of punishment for contempt.

Section 1-13. Continuances of proceedings.

Where the ends of justice require it, all cases may be continued. All continuances shall be addressed to the sound discretion of the court under the rules governing continuances in the superior court of the state.

Section 1-14. Judgments to be in writing, recorded.

Upon the trial of any case, judgment of the court shall be in writing, signed by the court trying the same, and recorded upon the minutes.

Section 1-15. Form of judgment, sentence.

The form of judgments against offenders may be substantially as follows:

"The defendant having been tried for the offense of \_\_\_\_\_ is found guilty.

And it is considered, ordered, adjudged and sentenced, that he pay a fine of \_\_\_\_\_ dollars and cost of prosecution, within \_\_\_\_\_ days, standing committed until the same are paid. That in default of such payment, he be imprisoned in the city jail (or work gang, as the case may be) for the term of \_\_\_\_\_ days, to be computed from the date of this sentence."

Section 1-16. Imposition of alternative sentences.

The court shall have authority to try offenses against the laws of the city, and shall have power to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law, in case said fines are not paid.

Section 1-17. Execution to collect fine.

On failure of any person upon whom a fine is imposed to pay the same, execution may issue to collect the same, although such person be imprisoned in default of paying such fine.

Section 1-18. Executions; direction, return.

All executions issued by authority of the city shall be directed to the chief of police, bear test in the name of the presiding officer of the court, and be returnable to a regular meeting of the board, except executions to collect forfeiture recognizances, which shall be directed to the chief of police, and to all and singular the sheriffs, coroners, constables, and marshalls of this State, and may be executed by any of said officers.

Section 1-19. Right of Appeal.

The right of appeal to the Superior Court of Fayette County from the recorder's court shall lie in the same manner and under

the same procedures as generally prescribed for appeals from the Court of Ordinary, provided, however, any person shall have ten days to file his appeal. An appeal to the Superior Court shall be a de novo proceeding. The general laws governing appeal bonds in appeals from the Court of Ordinary shall also govern appeals from the recorder's court.

Section 1-20. Limitation of prosecution for violation of city ordinance.

All prosecutions for violations of city ordinances shall be commenced within two years after such violations, and any offense against said ordinances for which no prosecution is begun within two years shall be barred, and no person shall be tried therefor, unless the party shall have been beyond the limits of the city, in which case the time of absence from the city shall not be embraced or computed as within said two years.

Section 1-21. Authority to permit certain prisoners to spend time at home.

Upon the application of any person serving a sentence in the city and by permission of the presiding officer of the court, such person shall be allowed to spend the time he is not actually at work, at home, or place of abode, provided that the release of the prisoner for such purpose, shall in no instance operate to discharge him from serving the full term of imprisonment imposed upon him by the sentence of the court.

Section 1-22. Cost.

In all cases in the recorder's court, the cost incurred may be computed under the cost schedule provided by law for justices of the peace for the State of Georgia.

Section 1-23. Office Created.

The office of recorder of the city is hereby created.

Section 1-24. Selection, term, qualifications.

(a) No person shall be qualified or eligible to serve as recorder unless he shall have attained the age of 21 years, and shall not have been convicted of a crime involving moral turpitude. The mayor, or any councilman, may serve as recorder, or any person who shall be licensed to practice law in the State of Georgia. The recorder shall be appointed by the city council and shall serve at the discretion of the city council. The compensation of the recorder shall be fixed by the city council.

(b) The recorder pro tem shall serve in the absence or disqualification of the recorder; shall have the same qualifications as the recorder; and shall be appointed by the city council.

(c) Before entering on duties of his office, the recorder or recorder pro tem shall take an oath before an officer duly authorized to administer oaths in this State, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. This oath shall be entered upon the minutes of the meeting of the mayor and council.

Section 1-25. Jurisdiction.

The recorder shall have power to impose fines, costs and forfeitures for the violation of any law or ordinance of Peachtree City passed in accordance with the charter, to an amount not to exceed two hundred dollars (\$200.00) for each offense; to imprison offenders for a period of not more than sixty (60) days for each offense; or at labor on the roads and streets, or other public works of said city for not more than sixty (60) days for each offense; and the said recorder shall have the power and authority to impose any one or more of these punishments when he shall find that the facts of the case so justify. Said recorder shall not have the authority to inflict a greater punishment for contempt than to impose a fine of one hundred (\$100.00) dollars or imprisonment not exceeding twenty (20) days, or any combination of the two. He shall be to all intents and purposes a justice of the peace, so far as to enable him to issue warrants for offenses committed within the limits of Peachtree City, which warrants may be executed by any officer of said city, and to commit the offenders to jail or admit them to bail in bailable cases for their appearance at the next term of court of competent jurisdiction. The recorder's court shall also have concurrent jurisdiction with that of the justice of the peace over offenses against the criminal laws of the State committed within the corporate limits. Except as may be herein otherwise specified, the recorder is vested with all of the jurisdiction and powers as to the entire area within the corporate limits of Peachtree City. The recorder's court is specifically invested with all jurisdiction and powers throughout the entire area within the corporate limits granted by State laws generally to mayors, recorder, police courts, and particularly such laws as authorize the abatement of nuisances. Said recorder is hereby authorized to administer oaths.

Section 1-26. Duty to preside over recorder's court.

It shall be the duty of the recorder to preside over the recorder's court wherein offenders against the laws and ordinances of the city shall be tried.

Section 1-27. Authority to impose penalties.

The recorder shall have full power and authority, upon conviction of an offender against the ordinances of the city to impose the penalties provided by the Ordinances of Peachtree City.

Sam Bellin  
Clerk

James K. Keweenaw  
Mayor

This Ordinance passed and approved, this 11 day of  
MAY, 1970.

Sam Bellin  
City Clerk

Town Seal: