

1 **STATE OF GEORGIA**

2
3 **CITY OF COLLEGE PARK**

4
5 **ORDINANCE NO. 2016-02**

6
7 AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF COLLEGE PARK
8 BY AMENDING SECTION 7.3 (“SELECTION, QUALIFICATIONS, TERM,
9 COMPENSATION OF JUDGE; OATH”) AND REPEALING SECTION 7.4 (“JUDGE PRO
10 TEM”) OF ARTICLE VII (“CITY COURT OF COLLEGE PARK”) THEREIN; TO PROVIDE
11 FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
12 ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR
13 OTHER LAWFUL PURPOSES.

14 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia
15 (hereinafter the “City”) is the Mayor and Council thereof; and

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

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

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

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

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

27 **WHEREAS**, the City desires to amend its Charter by home rule ordinance; and

28 **WHEREAS**, a synopsis of this Ordinance has been advertised once per week for three
29 (3) weeks within sixty (60) days preceding the final adoption of this Ordinance, in accordance
30 with Section 36-35-3(b)(1) of the Official Code of Georgia; and

31 **WHEREAS**, a synopsis of the Ordinance was advertised in the South Fulton newspaper
32 on February 15, 2017, February 22, 2017, and March 1, 2017; and

33 **WHEREAS**, the notice of the adoption of this Ordinance provided that a copy of the
34 proposed ordinance was available for inspection in the Office of the College Park City Clerk and
35 the Office of the Fulton and Clayton County Superior Court Clerks, in accordance with Section
36 36-35-3(b)(1) of the Official Code of Georgia, and a copy of the proposed ordinance was placed
37 in said locations; and

38 **WHEREAS**, this Ordinance has been considered at two (2) consecutive public meetings,
39 no less than seven (7) and no more than sixty (60) days apart, in accordance with Section 36-35-
40 3(b)(1) of the Official Code of Georgia; and

41 **WHEREAS**, this Ordinance was considered at public meetings held on March 6, 2017
42 and March 20, 2017; and

43 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals,
44 and welfare of the citizens of the City.

45 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
46 **THE CITY OF COLLEGE PARK, GEORGIA THAT**, and by the authority thereof:

47 **Section One.** Section 7.3 (“Selection, qualifications, term, compensation of judge;
48 oath”) of Article VII (“City Court of College Park”) of the Charter of the City of College Park,

49 Georgia is hereby amended by deleting the existing text and inserting the following text in lieu
50 thereof, to read and to be codified as follows:

51 “Sec. 7.3. – City court judges.

- 52 (a) The City Court of College Park shall be presided over by a chief judge and such part-
53 time, full-time, or acting judges as shall be provided by ordinance.
- 54 (b) Judges for the City Court of College Park shall be appointed by the mayor and council of
55 the City of College Park.
- 56 (c) No person shall be qualified or eligible to serve as a judge on the City Court of College
57 Park unless he or she has met all requirements imposed by state law.
- 58 (d) Compensation of the judges shall be fixed by ordinance or resolution of mayor and city
59 council.
- 60 (e) The appointment of any judge to the City Court of College Park shall be of a term of no
61 less than one year. The length of such term shall be established by ordinance, resolution,
62 or written agreement between the judge and the mayor and city council.
- 63 (f) Notwithstanding the duration of the term of the judge, he or she may be removed from
64 office. Such removal shall occur as authorized by state law.
- 65 (g) Notwithstanding the duration of the term of the judge, unless he or she is removed from
66 office or he or she has resigned, he or she shall serve until mayor and city council appoint
67 a successor.
- 68 (h) Before entering upon his or her duties, he or she shall take an oath before some officer
69 authorized to administer oaths, that he or she will faithfully and honestly discharge the
70 duties of his or her office to the best of his or her skill and ability, without fear, favor or
71 affection, reward or the hope thereof, and do justice between the city and the accused.
72 This oath shall be entered on the minutes of the city council.”

73 **Section Two.** Section 7.4 (“Judge pro tem”) of Article VII (“City Court of College
74 Park”) of the Charter of the City of College Park, Georgia is hereby amended by repealing the
75 existing text of such section in its entirety.

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

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

80 **Section Five.** (a) It is hereby declared to be the intention of the Mayor and Council that
81 all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
82 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

83 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
84 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
85 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
86 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
87 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
88 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
89 of this Ordinance.

90 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
91 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
92 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
93 express intent of the Mayor and Council that such invalidity, unconstitutionality or
94 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
95 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
96 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
97 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
98 enforceable, and of full force and effect.

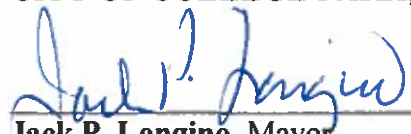
99 **Section Six.** All ordinances and parts of ordinances in conflict herewith are hereby
100 expressly repealed.

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

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ORDAINED this 30th day of March, 2017.

CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

ATTEST:



Melissa Brooks, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney