CITY OF STONECREST, GEORGIA

CITY COUNCIL WORK SESSION – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, December 16, 2024 at 5:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 ***Council Member Terry Fye - District 2***

Council Member Alecia Washington - District 3 ***Mayor Pro Tem George Turner - District 4***

Council Member Tammy Grimes - District 5

Citizen Access: Stonecrest YouTube Live Channel

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, City Clerk

III. AGENDA DISCUSSION ITEMS

a. **For Discussion** - Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules - *Chief Judge Curtis W. Miller and Mallory Minor, Court Administrator*

b. **For Discussion** - Georgia General Assembly - Request for Technology Fee - *Mallory Minor, Court Administrator*

c. **For Discussion/Decision** - ARPA Funding Status - *Gia Scruggs, City Manager and Steven Whitney, Berry Dunn*

d. **For Discussion** - Direct Reports to City Council - *George Turner, Mayor Pro Tem*

e. **For Discussion** - Ordinance for TMOD 24-001 Truck Parking - *Jazzmin Cobble, Mayor*

IV. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

V. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.

CITY COUNCIL AGENDA ITEM

SUBJECT: Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules

AGENDA SECTION: (*check all that apply*)

☐ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**
☒ **NEW BUSINESS** ☐ **OTHER, PLEASE STATE: PUBLIC NOTICE**

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☒ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

ACTION REQUESTED: ☐ **DECISION** ☒ **DISCUSSION,** ☐ **REVIEW, or** ☐ **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap here to enter text.

Current Work Session: Monday, December 16, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Mallory Minor, Court Administrator

PRESENTER: Chief Judge Curtis W. Miller and Court Administrator Mallory Minor

PURPOSE: Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules

FACTS: In accordance with Sec. 9-35. – Rules. The Municipal Court judge shall adopt specific rules of procedure. No rules shall be inconsistent with the laws of the State or the Constitution of the United States. Such rules shall be made available on the City website or by other means determined by the Council. The Municipal Court of Stonecrest has adopted the Uniform Rules of the Municipal Courts of Georgia which are promulgated pursuant to the inherent powers of the Supere Court of Georgia in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

(1) Attachment 1 - Municipal Court of Stonecrest Adoption of Uniform Municipal Court Rules of Procedure Pursuant to Sec. 9-35. - Rules Agenda Cover Memo
(2) Attachment 2 - Uniform Rules Municipal Courts of the State of Georgia
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

UNIFORM RULES

MUNICIPAL COURTS OF THE STATE OF GEORGIA

COUNCIL OF MUNICIPAL COURT JUDGES

2018

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UNIFORM RULES OF
THE MUNICIPAL COURTS OF GEORGIA

These rules are promulgated pursuant to the inherent powers of the Supreme Court of Georgia in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions, and these rules shall be so construed and in case of conflict shall yield to substantive law. It is not the intent of these rules, nor shall these rules be construed, to require any municipal, recorders or any other court deemed a municipal court, to become or remain a court of record or to employ the services of any personnel, including solicitors or prosecuting attorneys, unless otherwise provided by general law, charter or ordinance.

1.1 Repeal of Local Rules.

All local rules of the municipal courts shall expire effective February 3, 2010. If any municipal court by action of a majority of its judges (or failing this, by action of its chief judge) proposes to prevent any local rule from expiring pursuant to Rule 1.1, then a proposal to prevent the local rule from expiring must be presented to the Court for approval 30 days prior to the expiration date as stated in Rule 1.1. Only those rules reapproved by the Supreme Court of Georgia on or after February 3, 2010, shall remain in effect after that date. Rules timely resubmitted shall remain in effect until action by the Supreme Court of Georgia.

1.2 Authority to Enact Rules Which Deviate From the Uniform Rules.

(a) The term "local rules" will no longer be used in the context of the Uniform Municipal Court Rules.

(b) Each municipal court by action of a majority of its judges (or failing this, by action of its chief judge) from time to time, may propose to make and amend rules which deviate from the Uniform Municipal Court Rules, provided such proposals are not inconsistent with general laws, these Uniform Municipal Court Rules, or any directive of the Supreme Court of Georgia. Any such proposals shall be filed with the clerk of the Supreme Court of Georgia; proposals so submitted shall take effect thirty (30) days after approval by the Supreme Court of Georgia. It is the intendment of these rules that rules which deviate from the Uniform Municipal Court Rules be restricted in scope.

(c) The municipal court, by action of a majority of its judges (or failing this, by action of its chief judge) may continue to promulgate rules which relate only to internal procedure and do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights, and provided that those rules shall not conflict with these uniform rules. These rules, which will be designated ‘internal operating procedures,’ do not require the approval of the Supreme Court. ‘Internal operating procedures,’ as used in these Uniform Municipal Court Rules, are defined as rules which relate to case management, administration, and operation of the court or govern programs which relate to filing costs in civil actions, costs in criminal matters, case management, administration, and operation of the court.

(d) Notwithstanding these uniform rules, the municipal court, by action of a majority of its judges (or failing this, by action of its chief judge) may promulgate experimental rules applicable to pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the Supreme Court. At the end of the second year, any such pilot projects will be allowed to sunset unless approved by the Supreme Court to remain in effect for a longer period of time.

(e) Rules which are approved as deviations from the Uniform Municipal Court Rules and internal operating procedures of courts shall be published by the court in which the rules are effective. Copies must be made available through the clerk of the municipal court for the city where the rules are effective, and shall be posted on the adopting municipal court's website, if such exists. Any amendments to deviations from the Uniform Municipal Court Rules or to internal operating procedures must be published and made available through each municipal court clerk's office within fifteen (15) days of the effective date of the amendment or change. Summaries of amendments or deviations shall be published once per week for two consecutive weeks in the newspaper in which legal announcements are customarily made by the municipality in which the municipal court is located, and shall be provided to the State Bar of Georgia and all local bar associations serving the municipality.

(f) Internal operating procedures effective in any court must be filed with the Supreme Court even though Supreme Court approval is not needed for these rules.

1.3 Matters of Statewide Concern.

The following rules, to be known as Uniform Municipal Court Rules, are to be given statewide application.

1.4 Deviation.

These rules are not subject to local deviation except as provided herein. A specific rule may be superseded in a specific action or case or by an order of the court entered in such case explaining the necessity for deviation and served upon the attorneys or pro se parties in the case.

1.5 Amendments.

The Council of Municipal Court Judges shall have a permanent committee to recommend to the Supreme Court such changes and additions to these rules as may from time to time appear necessary or desirable. The State Bar of Georgia and the Uniform Rules Committee Chairpersons of the Council of each class of court shall receive notice of the proposed changes and additions and be given the opportunity to comment.

1.6 Publication of Rules and Amendments.

These rules and any amendments to these rules shall be published in the advance sheets to the *Georgia Reports*. Unless otherwise provided, the effective date of any amendment to these rules is the date of publication in the advance sheets to the *Georgia Reports*.

RULE 2. DEFINITIONS

2.1 Attorney.

The word “attorney” as used in these rules refers to any person admitted to the State Bar of Georgia and any person who has been properly admitted to the court pro hac vice. Pro se litigants are governed by the same rules as attorneys.

2.2 Judge.

The word "judge” as used in these rules refers to any person serving or acting as a judge of a municipal court in the State of Georgia. The term “chief judge” shall be that judge designated as such by the municipality according to its charter and ordinances, or failing that, the sole judge designated or elected as municipal court judge by the municipality, and in the case of municipal courts with more than one municipal court judge, by majority vote of the municipal court judges, for such term as may be provided by charter, ordinance, or internal operating procedures adopted in accordance with these uniform rules.

2.3 Clerk.

Unless the context of these rules requires otherwise, the word "clerk" as used in these rules refers to the person designated according to the charter and ordinances of the municipality, as the primary person most directly responsible for the administration of a municipal court other than a judge of the municipal court. If provided by the charter or ordinances of the municipality, the chief judge may designate deputy clerks who shall have the same authority as the clerk.

2.4 Assigned Judge.

The term “assigned judge” as used in these rules refers to the judge to whom an action is assigned in accordance with these rules; or, if the context permits, in municipal courts having approved local rules permitting a general calendaring system, to the trial judge responsible for the matter at any particular time.

2.5 Gender Neutral Pronouns.

The pronoun “he” shall include “she” and vice versa, unless the context clearly indicates otherwise; the pronoun “her” shall include “him” and vice versa, unless the context clearly indicates otherwise.

RULE 3. HOURS OF COURT OPERATION

The hours of court operation shall be set by the chief judge of each court and shall be recorded with the clerk of the municipal court. Such information shall include the following:

(1) Normal hours and location of court.

(2) Emergency after-hours availability of judges and the names of such judges; provided, however, that personal telephone numbers and address information need not be included in the public records of the clerk.

(3) Holidays during which the court will be closed and a plan for the availability of judges on such days.

(4) Days on which the court holds hearings and the times and locations of such hearings.

RULE 4. ASSIGNMENT OF CASES

4.1 Case Assignment.

Unless provided by approved internal procedures or pursuant to assignment by the chief judge, cases shall not be assigned to a particular judge. Provided, however, that once any judge has first heard sworn testimony or made any ruling in a case other than the granting of an arrest or search warrant, the setting of bail and the initial finding of probable cause, or the granting of a continuance, that case shall thereafter be considered only by that judge, except upon the approval of that judge. In municipal courts served by more than one judge, the clerk of court shall schedule the presiding of those judges over the various court calendars according to a plan approved by a majority of those judges. This rule shall not apply to probation revocation hearings.

4.2 Recusal.

4.2.1 Motions.

All motions to recuse or disqualify a judge presiding in a particular case or proceeding shall be timely filed in writing and all evidence thereon shall be presented by accompanying affidavit(s) which shall fully assert the facts upon which the motion is founded. Filing and presentation to the judge shall be not later than five (5) days after the affiant first learned of the alleged grounds for disqualification, and not later than ten (10) days prior to the hearing or trial which is the subject of recusal or disqualification, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay the trial or proceeding.

4.2.2 Affidavit.

The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

4.2.3 Duty of the trial judge.

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit to be true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse. The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion.

4.2.4 Procedure upon a motion for disqualification.

The motion shall be assigned for hearing to another judge, who shall be selected in the following manner:

(a) If within a single-judge municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select the judge;

(b) If within a two-judge municipality, the other judge, unless disqualified, shall hear the motion;

(c) If within a multi-judge municipality, composed of three (3) or more judges, selection shall be made by use of the municipality's existing random, impartial case assignment method. If the municipality does not have random, impartial case assignment rules, then assignment shall be made as follows:

(1) The chief judge of the municipality shall select a judge within the municipality to hear the motion, unless the chief judge is the one against whom the motion is filed; or.

(2) In the event the chief judge is the one against whom the motion is filed, the assignment shall be made by the judge of the municipality who is most senior in terms of service other than the chief judge and who is not also a judge against whom the motion is filed; or.

(3) When the motion pertains to all active judges in the municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select a judge outside the municipality to hear the motion.

(d) If the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges is the one against whom the motion is filed, the District Representative judge within the district next senior in time of service shall serve in this selection process instead.

If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as outlined above.

(e) If all judges within a municipality are disqualified, including all District Representative judges, the matter shall be referred by the disqualified most senior in service District Representative judge to the most senior in service District Representative judge of an adjacent district for the appointment of a judge who is not a member of the district to preside over the motion or case.

4.2.5 Selection of judge.

In the instance of any hearing on a motion to recuse or disqualify a judge, the challenged judge shall neither select nor participate in the selection of the judge to hear the motion; if recused or disqualified, the recused or disqualified judge shall not select nor participate in the selection of the judge assigned to hear further proceedings in the involved action.

4.2.6 Findings and ruling.

The judge assigned may consider the motion solely upon the affidavits, but may, in the exercise of discretion, convene an evidentiary hearing. After consideration of the evidence, the judge assigned shall rule on the merits of the motion and shall make written findings and conclusions. If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as established in Rule 4.2.4 above. Any determination of disqualification shall not be competent evidence in any other case or proceedings.

4.2.7 Voluntary recusal.

If a judge, either on the motion of one of the parties or the judge's own motion, voluntarily disqualifies, another judge, selected by the procedure set forth in Rule 4.2.4 above, shall be assigned to hear the matter involved. A voluntary recusal shall not be construed as either an admission or denial to any allegations which have been set out in the motion.

RULE 5. DOCKETS

5.1 Docket Categories.

Each municipal court shall keep a docket for criminal cases, arrests and search warrants, and a separate docket for all other actions.

5.2 Time of Docketing.

Actions shall be entered by the clerk, deputy clerk, or judge in the proper docket immediately or within a reasonable period after being received in the clerk's office.

RULE 6. WITHDRAWAL OF PAPERS FROM THE MUNICIPAL COURT

No original papers may be withdrawn from the municipal court. However, copies of any documents may be obtained by any party or the attorney for any party upon payment of copy costs to the clerk. All court records are public and are to be available for inspection in accordance with and as limited by the Georgia Open Records Act, as amended.

RULE 7. DUTIES OF ATTORNEYS AND ALL PARTIES

7.1 Notification of Representation.

No attorney shall appear in his or her representative capacity before a municipal court until he or she has entered an appearance by filing a signed entry of appearance form or by filing a signed pleading in a pending action. An entry of appearance shall state (1) the style and case number; (2) the identity of the party for whom the appearance is made; and (3) the name and current office address, telephone number and bar number of the attorney.

7.2 Withdrawal of Counsel.

(a) An attorney appearing of record in any action pending in any municipal court, who wishes to withdraw as counsel for any party therein, shall submit a written request to an appropriate judge of the court for an order of

court permitting such withdrawal. Such request shall state that the attorney has given due written notice to the affected client respecting such intention to withdraw ten (10) days (or such lesser time as the court may permit in any specific instance) prior to submitting the request to the court or that such withdrawal is with the client's consent. Such request will be granted unless in the judge's discretion to do so would delay the trial of the action or otherwise interrupt the orderly operation of the court or be manifestly unfair to the client. The attorney requesting an order permitting withdrawal shall give notice to the solicitor or prosecuting attorney, if any and shall file with the clerk in each such action and serve upon the client, personally or at that client's last known address, a notice which shall contain at least the following information:

(1) That the attorney wishes to withdraw;

(2) That the court retains jurisdiction of the action;

(3) That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;

(4) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;

(5) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

(6) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(7) That service of notices may be made upon the client at the client’s last known address; and

(8) That unless the withdrawal is with the client's consent, the client has right to object within ten (10) days of the date of the notice.

(b) The attorney seeking to withdraw shall prepare a written notification certificate stating that the above notification requirements have been met, the manner by which such notification was given to the client, and the client's last known address and telephone number. The notification certificate shall be filed with the court and a copy mailed to the client and all other parties. The client shall have ten (10) days prior to entry of an order permitting withdrawal or such lesser time as the court may permit within which to file objections to the withdrawal. After the entry of an order permitting withdrawal, the client shall be notified by the withdrawing attorney of the effective date of the withdrawal; thereafter all notices or other papers may be served on the party directly by mail at the last known address of the party until new counsel enters an appearance.

7.3 Duty to Utilize Assigned Judge; Notification of Previous Presentation to Another Judge.

Attorneys shall not present to any judge any matter or issue in any case which has been assigned to or a ruling made by another judge, except under the most compelling circumstances. In that event, any attorney doing so shall first advise the judge to whom the matter is presented that the action is assigned to or a ruling has been made by another judge. Counsel shall also inform the assigned or previous ruling judge as soon as possible that the matter was presented to another judge. Attorneys shall not present to a judge any matter which has been previously presented to another judge without first advising the former of the fact and result of such previous presentation.

7.4 Prohibition on Ex Parte Communications.

Except as authorized by law or by rule, judges shall not initiate, permit or consider ex parte communications by interested parties or their attorneys concerning a pending or impending proceeding. Where circumstances require ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or the merits of the case are authorized, provided:

1. The judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and

2. The judge takes reasonable steps to promptly notify all parties of the substance of the ex parte communication and allows an opportunity to respond.

7.5 Duty to Attend and Remain.

Attorneys and parties having matters on calendars, unless excused by the judge, are required to be in court at the call of the matter and to remain until otherwise directed by the court. The failure of any attorney or party in this respect shall subject that attorney or party to the contempt powers of the court.

RULE 8. RESOLUTION OF CONFLICTS - STATE AND FEDERAL COURTS

(a) An attorney shall not be deemed to have a conflict unless:

(1) The attorney is lead counsel in two or more of the actions affected; and,
(2) The attorney certifies that the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies compliance with this rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.

(b) When an attorney is scheduled for a day certain by trial calendar, special setting or court order to appear in two or more courts (trial or appellate; municipal, state or federal), the attorney shall give prompt written notice as specified in paragraph (a) above of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or, to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by paragraphs (b) (1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand as offered. Should a judge wish to change the order of cases to be tried, such notice shall be given promptly after agreement is reached between the affected judges. Attorneys confronted by such conflicts are expected to give written notice such that it will be received at least seven (7) days prior to the date of conflict. Absent agreement, conflicts shall be promptly resolved by the judge or the clerk of each affected court in accordance with the following order of priorities:
(1) Criminal (felony) actions shall prevail over civil actions;
(2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;
(3) Appellate arguments shall prevail over trials, hearings and conferences;

(4) Within each of the above categories only, the action which was first filed shall take precedence.

(c) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event any matter listed in the letter notice is disposed of prior to the scheduled time set for any other matter listed or subsequent to the scheduled time set but prior to the end of the calendar, the attorney shall immediately notify all affected parties, including the court affected, of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases in which the conflict was resolved by the disposal in the order of priorities as set forth heretofore.

RULE 9. LEAVES OF ABSENCE

9.1 Leaves for Thirty (30) Calendar Days or Less.
9.2 Leaves for More Than Thirty (30) Calendar Days.
9.3 Excusal from Court Appearances.

9.1 Leaves for Thirty (30) Calendar Days or Less.

An attorney of record shall be entitled to a leave of absence for thirty (30) days or less from court appearance in pending matters which are neither on a published calendar for court appearance, nor noticed for a hearing during the requested time, by submitting to the clerk of the court at least thirty (30) calendar days prior to the effective date for the proposed leave, a written notice containing:

(a) A list of the actions to be protected, including the action numbers, and date and time of any previously calendared appearance;
(b) The reason for leave of absence; and
(c) The duration of the requested leave of absence.

A copy of the notice shall be sent, contemporaneously, to the judge before whom an action is pending and all opposing counsel. Unless opposing counsel files a written objection within ten (10) days with the clerk of the court, with a copy to the court and all counsel of record, or the court responds denying the leave of absence, such leave will stand granted without entry of an order. If objection is filed, the court, upon request of any counsel, will conduct a conference with all counsel to determine whether the court will, by order, grant the requested leave of absence.

The clerk of the court shall retain leave of absence notices in a chronological file for two (2) calendar years; thereafter, the notices may be discarded.

Leaves of absence for particular cases shall be docketed with the particular case affected by that leave of absence.

9.2 Leaves for More Than Thirty (30) Calendar Days. (Or those either on a published calendar, noticed for a hearing, or not meeting the time requirements of Rule 9.1 above)

Application for a leave of absence for more than thirty (30) calendar days, or those either on a published calendar, noticed for a hearing, or not submitted within the time limits contained in 9.1 above, must be in writing, filed with the clerk of the court, and served upon opposing counsel at least ten (10) days prior to submission to the appropriate judge of the court in which the action is pending. This time period may be waived if opposing counsel consents in writing to the application. This procedure permits opposing counsel to object or to consent to the grant of the application, but the application is addressed to the discretion of the court. Such application for leave of absence shall contain:

(a) A list of the actions to be protected, including the action number;
(b) The reason for leave of absence; and
(c) The duration of the requested leave of absence.

9.3 Excusal from court appearances.

A 9.1 or 9.2 leave when granted shall relieve any attorney from all trials, hearings, depositions and other legal appearances in that matter.

This rule shall not extend any deadline set by law or the court.

RULE 10. TERMS OF COURT

Where statutes or case law of general application in this state require action within a term of court, in the municipal court this shall signify within one hundred eighty (180) days; where action is required by the next term of court, this shall signify after one hundred eighty (180) days, and on or before three hundred sixty-five (365) days, unless by charter, ordinance or internal operating procedure term of court is otherwise defined.

RULE 11. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS

11.1 Overview

Open courtrooms are an indispensable element of an effective and respected judicial system. It is the policy of Georgia's courts to promote access to and understanding of court proceedings not only by the participants in them but also by the general public and by news media who will report on the proceedings to the public. This must be done, however, while protecting the legal rights of the participants in the proceedings and ensuring appropriate security and decorum.

Except as otherwise required by law, this rule governs the use of devices to record sounds or images in a courtroom and comports with the standards provided in OCGA § 15-1-10.1 regarding the use of devices to record judicial proceedings.

This rule similarly governs the use of electronic devices, including mobile phones and computers, in a courtroom for purposes other than recording sounds and image use is generally allowed by lawyers, by employees of lawyers, and by self-represented parties, but to ensure decorum and avoid distraction, such use is generally prohibited by jurors, witnesses, parties, and spectators, including representatives of the news media. Such persons may, however, use their devices by stepping outside the courtroom, and nothing in this rule prevents a judge from permitting parties and spectators to use their devices for non-recording purposes as the judge may allow in his or her discretion.

A court must use reasonable means to advise courtroom visitors of the provisions of this rule and must make the form in Exhibit A available in its clerk’s office and on the court's website.

11.2 Definitions. The following definitions apply in this rule:

(1) "Recording device" means a device capable of electronically or mechanically storing, accessing, or transmitting sounds or images. The term encompasses, among other things, a computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); and any similar devices.

(2) "Recording" means electronically or mechanically storing, accessing, or transmitting sounds or images. "Record" means to electronically or mechanically store, access, or transmit sounds or images, including by photographing, making an audio or video recording, or broadcasting. Nothing in this rule prohibits making written notes and sketches pertaining to any judicial proceedings.

(3) "Courtroom" means the room in which a judge will conduct a court proceeding and the areas immediately outside the courtroom entrances or any areas providing visibility into the courtroom.

11.3 Witnesses, parties, and spectators, including representatives of the news media.

The following restrictions apply to use of recording devices by jurors, including grand jurors and prospective jurors, by witnesses, by parties, and by spectators, including representatives of the news media.

(1) Witnesses: Witnesses shall turn the power off to any recording device while present in a courtroom, and may use a device while testifying only with permission of the judge. Witnesses shall not record proceedings.

(2) Parties and spectators: Parties and spectators may use recording devices to record proceedings only as specifically authorized by the court pursuant to this rule. All parties and spectators shall turn the power off to any recording device while present in a courtroom, unless the judge allows orally or in writing the use of recording devices in the courtroom for purposes other than recording sounds and images, which the judge may freely do when he or she believes such use would not be disruptive or distracting and is not otherwise contrary to the administration of justice. When such use is allowed, recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

11.4 Attorneys, employees of attorneys such as paralegals and investigators, and self-represented parties (pro se litigants).

(1) Use of recording devices to record: Unless otherwise ordered by the court, attorneys representing parties in a proceeding and self-represented parties may make audio recordings of the proceeding in a non-disruptive manner after announcing to the court and all parties that they are doing so. Recordings made pursuant to this paragraph may be used only in litigating the case or as otherwise allowed by the court or provided by law. Attorneys and self-represented parties may also seek authorization to record proceedings pursuant to paragraph (E) of this rule.

(2) Use of recording devices for non-recording purposes: Attorneys and their employees such as paralegals and investigators may use recording devices in a courtroom for purposes other than recording sounds and images, including word processing, storing or retrieving information, accessing the internet, and sending or receiving messages or information. Self-represented parties may do the same but only in direct relation to their proceedings. Recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

(3) Limitation: Any allowed use of a recording device under paragraph (D) is subject to the authority of the judge to terminate activity that is disruptive or distracting or is otherwise contrary to the administration of justice.

11.5 Celebratory or ceremonial proceedings, or when the court is not in session.

Notwithstanding other provisions of this rule, a person may request orally or in writing, and a judge or judge's designee may approve orally or in writing, use of a recording device in a courtroom to record a celebratory or ceremonial proceeding or use of a recording device in a courtroom when the court is not in session.

11.6 Other persons or organizations desiring to record.

Any other persons or organizations, including representatives of the news media, desiring to record a court proceeding shall make application to the judge on the form in Exhibit A following this rule.

(1) Submission of a request: The person or organization must submit the request to the judge or to an officer of the court designated to receive requests under this rule. The request should address any logistical issues that are expected to arise.

(2) Time limit for submitting a request: The person or organization must submit the request sufficiently in advance of the proceeding – at least 24 hours where practicable under the circumstances – to allow the judge to consider it in a timely manner.

(3) Notice and hearing: The court will notify the parties of its receipt of a request for recording. Parties shall then notify their witnesses. The prosecutor of a criminal case shall notify alleged victims. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party, witness, or alleged victim objects to a request. The hearing under this paragraph shall be part of the official record of the proceeding.

(4) Time for a party, witness, or alleged victim to object to a request: A properly notified party, witness, or alleged victim waives an objection to a request for recording of a proceeding if the party, witness, or alleged victim does not object to the request in writing or on the record before or at the start of the proceeding.

11.7 Denial or limitation of recording.

A properly submitted request for recording should generally be approved, but a judge may deny or limit the request as provided in this paragraph. A judge's decision on a request, or on an objection to a request, is reviewable as provided by law.

(1) Denial of recording: A judge may deny a request for recording only after making specific findings on the record that there is a substantial likelihood of harm arising from one or more of the following factors, that the harm outweighs the benefit of recording to the public, and that the judge has considered more narrow restrictions on recording than a complete denial of the request:
(a) The nature of the particular proceeding at issue;
(b) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings;
(c) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings;
(d) The impact upon the integrity and dignity of the court;
(e) The impact upon the administration of the court;
(f) The impact upon due process and the truth finding function of the judicial proceeding;
(g) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice;
(h) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and
(i) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.

(2) Limitation of recording: Upon his or her own motion or upon the request of a party, witness, or alleged victim, a judge may allow recording as requested or may, only after making specific findings on the record based on the factors in the preceding paragraph, impose the least restrictive possible limitations such as an order that no recording may be made of a particular criminal defendant, civil party, witness, alleged victim, law enforcement officer, or other person, or that such person's identity must be effectively obscured in any image or video recording, or that only an audio recording may be made of such person.

11.8 Manner of recording.

The judge should preserve the dignity of the proceeding by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording must avoid conduct or appearance that may disrupt or detract from the dignity of the proceeding. No person shall use any recording device in a manner that disrupts a proceeding.

11.9 Pooling of recording devices

The judge may require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the judge.

11.10 Prohibitions.

The following uses of recording devices are prohibited:

(1) No use of recording devices while the judge is outside the courtroom: Except as provided in paragraph (E) of this rule, a person may use a recording device in a courtroom only when the judge is in the courtroom, and use of a recording device must terminate when the judge leaves the courtroom.

(2) No recording of privileged or confidential communications: In order to preserve the attorney-client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege or client confidentiality.

(3) No recording of bench conferences: No person other than the court reporter may record a bench conference, unless prior express permission is granted by the judge.

11.11 Recording not official court record.

No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the judge pursuant to OCGA § 5-6-41(f).

11.12 Disciplinary authorities.

This rule does not apply to disciplinary authorities acting in the course of their official duties.

11.13 Enforcement

Persons who violate this rule may be removed or excluded from the courtroom. A willful violation of this rule may be punishable as contempt of court.

IN THE MUNICIPAL/RECORDERS COURT
CITY OF _____
STATE OF GEORGIA

(_____) CASE NO. _____

REQUEST TO USE A RECORDING DEVICE PURSUANT TO RULE 11. ON RECORDING OF JUDICIAL PROCEEDINGS.

Pursuant to Rule 11 of the Uniform Rules for Municipal Court regarding Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings, the undersigned hereby requests permission to use a recording device in Courtroom_ in order to record images and/or sound during (all)__(the following portions)_____ of the proceedings in the above captioned case/calendar.

Consistent with the provisions of the rule, the undersigned desires to use the following described recording device(s):_____. The proceedings that the undersigned desires to record commence on (_____). Subject to direction from the court regarding possible pooled coverage, the undersigned wishes to use this device in the courtroom on (_____). The personnel who will be responsible for the use of this recording device are: (_____).

The undersigned hereby certifies that the device to be used and the locations and operation of such device will be in conformity with Rule 11 and any guidelines issued by the court.

The undersigned understands and acknowledges that a violation of Rule 11 and any guidelines issued by the court may be grounds for removal or exclusion from the courtroom and a willful violation may subject the undersigned to penalties for contempt of court.

This_____day of_____, 20__.

_____
(Individual Signature)

_____
(Representing/Firm)

_____
(Position)

APPROVED: _____

_____
Judge, Municipal/Recorder Court

Municipal/Recorders Court of_____

RULE 12. COMPLETION OF ANNUAL CASELOAD REPORTS

In order to compile accurate data on the operation of the municipal courts, each chief judge shall ensure the accurate completion and timely submission of the Annual Caseload Reports sent to them by the Administrative Office of the Courts.

RULE 13. NOTICE OF SELECTION OF MUNICIPAL COURT JUDGES AND CLERKS OF COURT

Whenever a judge or clerk of a municipal court shall take the oath required for office in OCGA§ 15-10-3, the clerk of court shall forward to the Administrative Office of the Courts the name and title of the person taking the oath; the name of the person being succeeded, if applicable; the term of the office, if applicable; the date assuming duties; and the address and telephone number the official wishes to use for business correspondence.

RULE 14. INTERPRETERS AND THE NOTIFICATION FORM

(A) In all civil and criminal cases, the party or party's attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable — before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(B) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court's expense, in accordance with the Supreme Court of Georgia's Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia's Commission on Interpreters' Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

(C) If a party or party's attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia's Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(D) Notwithstanding any failure of a party or party's attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court's own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(E) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

THE MUNICIPAL/ RECORDERS COURT OF _____
STATE OF GEORGIA

CITY OF_____,	§	
	§	Case No: _____
	§	
Vs.	§	Citation No (s):_____
	§	
	§	

_____,
Defendant.

NOTICE OF NEED FOR INTERPRETER
PURSUANT TO UNIFORM MUNICIPAL COURT RULE 14

Pursuant to Uniform Municipal Court Rule 14, Defendant presents this Notice of Need for Interpreter in the above-styled case. Defendant provides the following information about the need for a qualified interpreter in this case:

1. The following participants will need interpretation services in this case: [_____,
   _____];
2. The interpreter is expected to be needed for [_____
   _____];
3. The interpreter will/will not be needed for all proceedings in the case; and
4. Interpretation services are requested in the following language/s: [_____].

Notice submitted this_____ day of _____, 20_____.

_____
Attorney for Defendant/ Pro Se
State Bar Number: _____

THE MUNICIPAL/ RECORDERS COURT OF _____
STATE OF GEORGIA

CITY OF_____,	§	
	§	Case No: _____
	§	
Vs.	§	Citation No (s):_____
	§	
	§	
_____,		
Defendant.		

CERTIFICATE OF SERVICE

This to certify that I have this day served The City of _____ in the foregoing matter with a copy of the Notice of Need for Interpreter dated_____ by: _____

_____

_____.

This _____day of_____, 20_____.

_____
Attorney for Defendant/ Pro Se
State Bar Number: _____

RULE 15. TELEPHONE AND VIDEO CONFERENCING

15.1 Telephone Conferencing
15.2 Video Conferencing

15.1 Telephone Conferencing.

The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings by telephone conference with attorneys for all affected parties, to the extent that such conferences do not impair or deny the rights of criminal defendants pursuant to the United States and Georgia constitutions. The trial judge may specify:

(a) The time and the person who will initiate the conference;
(b) The party who is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and
(c) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

15.2 Video-Conferencing.

(a) The following matters may be conducted by video conference:
1. Determination of indigence and appointment of counsel;
2. Hearings on appearance and appeal bonds;
3. Initial appearance hearings and waiver of extradition hearings; Rule 15.2(e)(4) below notwithstanding, public access to these hearings may provided by a video-conferencing system meeting the requirements of Rule 15.2(e)(2) and (3);
4. Probable cause hearings;
5. Applications for and issuance of arrest warrants;
6. Applications for and issuance of search warrants;
7. Arraignment or waiver of arraignment;
8. Pretrial diversion and post-sentencing compliance hearings;
9. Entry of pleas in criminal cases;
10. Impositions of sentences upon pleas of guilty or nolo contendere;
11. Probation revocation hearings in which the probationer admits the violation, and in all misdemeanor cases;
12. Post-sentencing proceedings in criminal cases;
13. Acceptance of special pleas of insanity (incompetency to stand trial);
14. Situations involving inmates with highly sensitive medical problems or who pose a high security risk;
15. Testimony of youthful witnesses;
16. Appearances of interpreters.

Notwithstanding any other provisions of this rule, a judge may order a defendant's personal appearance in court for any hearing.

(b) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all criminal proceedings, the defendant and defense counsel shall be provided with a private means of communications when in different locations.
(c) Witnesses. In any pending matter, a witness may testify via video conference. Any party desiring to call a witness by video conference shall file a notice of intention to present testimony by video conference at least thirty (30) days prior to the date scheduled for such testimony. Any other party may file an objection to the testimony of a witness by video conference within ten (10) days of the filing of the notice of intention. In civil matters, the discretion to allow testimony via video conference shall rest with the trial judge. In any criminal matter, a timely objection shall be sustained; however, such objection shall act as a motion for continuance and a waiver of any speedy trial demand.
(d) Recording of Hearings. A record of any proceedings conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.
(e) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;
2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method;
3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. The location from which the trial judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. The court shall accommodate any request by interested parties to observe the entire proceeding.

RULE 16. ADMINISTRATION OF OATHS

A clerk of the municipal court may administer the oath and sign the jurat for affidavits, including those in support of arrest warrants and search warrants. This rule shall not be interpreted as otherwise affecting the responsibilities of a judge in hearing applications for arrest and search warrants.

RULE 17. HEARINGS ON ISSUANCE OF SEARCH WARRANTS

Whenever the hearing on the issuance of a search or arrest warrant is not recorded, the judge shall make a written notation or memorandum of any oral testimony which is not included in the affidavit, upon which the judge relies in issuing such warrant.

RULE 18. BAIL IN CRIMINAL CASES

18.1 Misdemeanor Cases
18.2 Felony Cases

18.1 Misdemeanor Cases.

Bail in misdemeanor cases shall be set as provided in OCGA§17-6-1 and 17-6-2, and as provided by applicable municipal charter or ordinance.

18.2 Felony Cases.

Bail in felony cases shall not be set by the municipal court in those cases which by law the bail may be set only by a superior court judge, unless a specific order has been executed for setting felony bonds by the superior court in the county of the municipality. All defendants in custody on the authority of the municipal court must be presented to the municipal court for initial appearance within the time requirements of OCGA§17-4-26 and 17-4-62 for further consideration of bail.

18.3 Categories of Bail.

The court may set bail which may be secured by:

(1) Cash-by a deposit with the municipal court clerk, municipal treasurer's office, municipal law enforcement or by internal operating procedure of an amount equal to the required cash bail; or
(2) Property-by real estate located within the State of Georgia with unencumbered equity, not exempted, owned by the accused or surety, valued at double the amount of bail set in the bond; or
(3) Recognizance-in the discretion of the court;
(4) Professional-by a professional bail bondsman authorized by the sheriff and in compliance with the rules and regulations for execution of a surety bail bond.

Bail may be conditioned upon such other specified and reasonable conditions as the court may consider just and proper. The court may restrict the type of security permitted for the bond although local the governing body shall determine what sureties are acceptable when a surety bond is permitted.

18.4 Amendment of Bail.

The municipal court has the authority to amend any bail previously authorized by the municipal court under the provisions of OCGA § 17-6-18.

18.5 Bail on Bind over or Jury Demand.

Whenever a municipal court has set bail on cases that are bound over to another court for any reason, the bond shall be transferred to that agency or court.

RULE 19. DISMISSAL AND RETURN OF WARRANTS

19.1 Dismissal of Warrant.

Any dismissal of a warrant of the municipal court prior to a hearing, trial or transfer to other courts shall be made exclusively by the municipal court.

19.2 Assessment of Costs.

When, in a criminal action, costs are assessed by the court upon the dismissal of a warrant the amount of costs assessed shall be as set according to the municipal charter, ordinances, or local rule.

RULE 20. INITIAL APPEARANCE/ COMMITMENT HEARINGS

20.1 Initial Appearance Hearing.

As soon as is reasonably practicable following any arrest but no later than forty-eight (48) hours if the arrest was without a warrant, or seventy-two (72) hours following an arrest with a warrant, unless the accused has made bond in the meantime, the arresting officer or other law enforcement officer having custody of the accused shall present the accused in person before a municipal judge or other judicial officer for first appearance.

At the first appearance, the municipal judge or judicial officer shall:
(a) Inform the accused of the charges;
(b) Inform the accused that he has a right to remain silent, that any statement made may be used against him, and that he has the right to the presence and advice of an attorney, either retained or appointed;
(c) Determine whether or not the accused desires and is in need of an appointed attorney and, if appropriate, advise the accused of the necessity for filing a written application;
(d) Inform the accused of his or her right to a later pre-indictment commitment hearing, unless the first appearance covers the commitment hearing issues, and inform the accused that giving a bond shall be a waiver of the right to a commitment hearing;
(e) In the case of warrantless arrest, make a fair and reliable determination of the probable cause for the arrest unless a warrant has been issued before the first appearance;
(f) Inform the accused of the right to grand jury indictment in felony cases and the right to trial by jury, and when the next grand jury will convene;

(g) Inform the accused that if he or she desires to waive these rights and plead guilty, then the accused shall so notify the judge or the law officer having custody, who shall in turn notify the judge.
(h) Set the amount of bail if the offense is not one bailable only by a superior court judge, or so inform the accused if it is.

20.2 Commitment Hearing.

(a) A municipal court judge, in his or her discretion, may hold a commitment hearing even though the defendant has posted a bail bond.
(b) At the commitment hearing by the court of inquiry, the judicial officer shall perform the following duties:
(1) The judicial officer shall explain the probable cause purpose of the hearing;
(2) The judicial officer shall repeat to the accused the rights explained at the first appearance as listed in Rule 20.1 above;
(3) The judicial officer shall determine whether the accused intends to plead guilty, nolo contendere or not guilty, or waives the commitment hearing;
(4) If the accused intends to plead guilty or waives the hearing, the court shall immediately bind the entire case over to the court having jurisdiction of the most serious offense charged;
(5) If the accused pleads not guilty the court shall immediately proceed to conduct the commitment evidentiary hearing unless, for good cause shown, the hearing is continued to a later scheduled date;
(6) The judicial officer shall cause an accurate record to be made of the testimony and proceeding by any reliable method.
(7) The judicial officer shall bind the entire case over to the court having jurisdiction of the most serious offense for which probable cause has been shown by sufficient evidence and dismiss any charge for which probable cause has not been shown.
(8) On each case which is bound over, a memorandum of the commitment hearing shall be entered on the warrant by the judicial officer. The warrant, bail bond, and all other papers pertaining to the case shall be forwarded to the clerk of the appropriate court having jurisdiction over the offense for delivery to the district attorney. Each bail bond shall contain the full name, telephone number, residence, business and mailing address(es) of the accused and any surety.
(9) A copy of the record of any testimony and the proceedings of the first appearance and the commitment hearing shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.
(10) A judicial officer, conducting a commitment hearing, is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment, except where the only charge arising out of the transaction at issue is the violation of a municipal ordinance.
(c) At the commitment hearing, the following procedures shall be utilized:
(1) The rules of evidence shall apply except that hearsay may be allowed;
(2) The prosecuting entity shall have the burden of proving probable cause; and may be represented by a law enforcement officer, a district attorney, a solicitor, or otherwise as is customary in that court;
(3) The accused may be represented by an attorney or may appear pro se; and,
(4) The accused shall be permitted to introduce evidence.

20.3 Private Citizen Warrant Application Hearings.

(a) Upon the filing of an application for an arrest warrant by a person other than a peace officer or law enforcement officer, and if the court determines that a hearing is appropriate pursuant to OCGA §17-4-40, the court shall give notice of the date, time and location of the hearing to the applicant and to the person whose arrest is sought by personal service or by first class mail to the person's last known address or by any other means which are reasonably calculated to notify the person of the date, time and location of the hearing.
(b) At the warrant application hearing the court shall:
(1) Explain the probable cause purpose of the hearing;
(2) Inform the accused of the charges;
(3) Inform the accused of the right to hire and have the advice of an attorney, of the right to remain silent, and that any statement made may be used against him or her.
(c) The warrant application hearing shall be conducted in accordance with OCGA § 17-4-40 (b)(4) and (5) and Rule 20.2 (c) of these rules.
(d) A copy of the record of any testimony and the proceedings of the warrant application hearing, if available, shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.
(e) The judge conducting a warrant application hearing is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment.

RULE 21. APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

The municipal court shall have a procedure and forms consistent with state law in order to determine indigence and to appoint counsel to defendants who apply and qualify for appointed counsel. The applications shall be available though the clerk of the municipal court.

The rules of municipal courts shall embrace and include OCGA § 17-12-1 et seq. The Georgia Public Defender Standards, as amended, are incorporated by reference to the extent that they are applicable to municipal courts.

RULE 22. ARRAIGNMENT

22.1 Calendar.

The judge or the judge's designee shall set the time of arraignment unless arraignment is waived either by the defendant or by operation of law. Notice of the date, time and place of arraignment shall be delivered to the clerk of the court and sent to attorneys of record, defendants and bondsmen.

22.2 Call for Arraignment.

At or before arraignment, the court shall inquire whether the accused is represented by an attorney and, if not, advise the accused of the right to indigent defense counsel and the procedures by which an attorney’s assistance may be obtained.

At arraignment, the accused, upon a plea of not guilty, may exercise his or her right to have the case bound over to the appropriate state or superior court for a trial by jury. If the accused desires a trial in municipal court before a judge without a jury, the accused shall so signify by executing a written waiver of the right to trial by jury at arraignment. Thereafter, the prosecution may, within ten (10) days, exercise its right to a trial by jury by filing a notice of binding the case over to the appropriate state or superior court. Failure of the prosecution to demand that the case be bound over for jury trial shall be deemed a waiver of the prosecution's right to trial by jury. Thereafter, a revocation of either the accused's or the prosecution's waiver of the right to trial by jury shall be effective only upon written application to the court, which shall approve such revocation unless the court makes specific findings that the revocation will substantially delay or impede the cause of justice.

Upon the call of the case for arraignment the accused, or the attorney for the accused, shall answer whether the accused pleads guilty or not guilty or desires to enter a plea of nolo contendere to the offense or offenses charged; a plea of not guilty shall constitute a joining of the issue.

RULE 23. MOTIONS, DEMURRERS, SPECIAL PLEAS, ETC.

23.1 Time for Filing.

All motions, demurrers, and special pleas shall be made and filed at or before the time set by law, unless time therefore is extended by the judge in writing prior to trial. Notices of the prosecution's intention to present evidence of similar transactions or occurrences and notices of the intention of the defense to raise the issue of insanity or mental illness or mental competency shall be given and filed at least ten (10) days before trial unless the time is shortened or lengthened by the judge. Such filing shall be in accordance with Rules 23.2 – 23.4.

23.2 Time for Hearing.

All such motions, demurrers, special pleas and notices shall be heard and considered at such time, date, and place as set by the judge. Generally, such will be heard at or after the time of arraignment and prior to the time at which such case is scheduled for trial.

23.3 Notice of Prosecution's Intent to Present Evidence of Similar Transactions.

(a) The prosecution may, upon notice filed in accordance with Rule 23.1, request of the court in which the charging instrument is pending, leave to present during the trial evidence of similar transactions or occurrences.

(b) The notice shall be in writing, served upon the defendant's counsel, and shall state the transaction, date, county, and the name(s) of the victim(s) for each similar transaction or occurrence sought to be introduced. Copies of accusations or indictments, if any, and guilty pleas or verdicts, if any, shall be attached to the notice. The judge shall hold a hearing at such time as may be appropriate, and may receive evidence on any issue of fact necessary to determine the request. The burden of proving that the evidence of similar transactions or occurrences should be admitted shall be upon the prosecution. The prosecutor may present during the trial evidence of only those similar transactions or occurrences specifically approved by the judge.
(c) Evidence of similar transactions or occurrences not approved shall be inadmissible. In every case, the prosecuting attorney and defense attorney shall instruct their witnesses not to refer to similar crimes, transactions or occurrences, or otherwise place the defendant's character in issue, unless specifically authorized by the judge.
(d) If upon the trial of the case the defense places the defendant's character in issue, evidence of similar transactions or occurrences, as shall be admissible according to the rules of evidence, shall be admissible, the above provisions notwithstanding.
(e) Nothing in this rule is intended to prohibit the prosecution from introducing evidence of similar transactions or occurrences which are lesser included alleged offenses of the charge being tried, or are immediately related in time and place to the charge being tried, as part of a single, continuous transaction. Nothing in this rule is intended to alter the rules of evidence relating to impeachment of witnesses.
(f) This rule shall not apply to sentencing hearings.

23.4 Notice of Intention of Defense to Raise Issue of Insanity, Mental Illness or Mental Competency.

Uniform Superior Court Rules 28.3, 31.4 and 31.5, as amended from time to time, and as applicable to municipal courts, are hereby adopted verbatim.

RULE 24. CRIMINAL TRIAL CALENDAR

24.1 Calendar Preparation.

All cases shall be set for trial within a reasonable time after arraignment. The clerk, judge or the judge’s designee shall prepare a trial calendar, shall if applicable deliver a copy thereof to the clerk of court, and shall give notice in person or by mail to each counsel of record, the bondsman (if any) and the defendant at the last address indicated in court records, not less than seven (7) days before the trial date. The calendar shall list the dates that cases are set for trial, the cases to be tried at that session of court, the case numbers, the names of the defendants and the names of the defense counsel.

24.2 Removal from Calendar.

No case shall be postponed or removed from the calendar except by the judge.

RULE 25. PLEADING BY DEFENDANT

25.1 Alternatives.

(a) A defendant may plead guilty, not guilty, or in the discretion of the judge, nolo contendere. A plea of guilty or nolo contendere should be received only from the defendant personally in open court, except when the defendant is a corporation, in which case the plea may be entered by a duly authorized attorney at law or a corporate officer. In misdemeanor, traffic and municipal ordinance cases, upon the request of a defendant who has made, in writing, a knowing, intelligent and voluntary waiver of his right to be present, and the court may accept a plea of guilty or nolo contendere in absentia.

(b) A defendant may plead nolo contendere only with the consent of the judge. Such a plea should be accepted by the judge only after due consideration of the views of the parties and the interest of the public in the effective administration of justice. A plea of nolo contendere shall be handled under these rules in a manner consistent with a plea of guilty.

25.2 Aid of Counsel - Time for Deliberation.

(a) A defendant shall not be called upon to plead before having a reasonable opportunity to retain counsel, or if defendant is eligible for appointment of counsel, until counsel has been appointed or right to counsel waived. A defendant with counsel shall not be required to enter a plea if counsel makes a reasonable request for additional time to represent the defendant's interest, or if the defendant has not had a reasonable time to consult with counsel.

(b) A defendant without counsel should not be called upon to plead to any offense without having had a reasonable time to consider this decision. When a defendant without counsel tenders a plea of guilty or nolo contendere to an offense, the court shall not accept the plea unless it is reaffirmed by the defendant after a reasonable time for deliberation, following the admonitions from the court required in Rule 25.8.

25.3 Propriety of Plea Discussions and Plea Agreements.

(a) In cases in which it appears that the interests of the public in the effective administration of criminal justice (as stated in Rule 25.6) would thereby be served, the prosecuting attorney may engage in plea discussions for the purpose of reaching a plea agreement. The prosecuting attorney should engage in plea discussions or reach a plea agreement with the defendant only through defense counsel, except when the defendant is not eligible for or does not desire appointment of counsel and has not retained counsel.

(b) The prosecuting attorney, in reaching a plea agreement, may agree to one or more of the following, as dictated by the circumstances of the individual case:

(1) To make or not to oppose favorable recommendations as to the sentence which should be imposed if the defendant enters a plea of guilty or nolo contendere;

(2) To seek or not to oppose dismissal of the offense charged if the defendant enters a plea of guilty or nolo contendere to another offense reasonably related to defendant's conduct; or,

(3) To seek or not to oppose dismissal of other charges or potential charges against the defendant if the defendant enters a plea of guilty or nolo contendere.

25.4 Relationship Between Defense Counsel and Client.

(a) Defense counsel shall conclude a plea agreement only with the consent of the defendant, and shall ensure that the decision to enter or not enter a plea of guilty or nolo contendere is ultimately made by the defendant.

(b) To aid the defendant in reaching a decision, defense counsel, after appropriate investigation, should advise the defendant of the alternatives available and of considerations deemed important by him in reaching a decision.

25.5 Responsibilities of the Trial Judge.

(a) The trial judge shall not participate in plea discussions.

(b) If a tentative plea agreement has been reached, upon request of the parties, the trial judge may permit the parties to disclose the tentative agreement and the reasons there for in advance of the time for the tendering of the plea. The judge may then indicate to the prosecuting attorney and defense counsel whether the judge will likely concur in the proposed disposition if the information developed in the plea hearing or presented in any pre-sentence report is consistent with the representations made by the parties. If the trial judge concurs but the final disposition differs from that contemplated by the plea agreement, then the judge shall state for the record what information in any pre-sentence report or hearing contributed to the decision not to sentence in accordance with the plea agreement.

(c) When a plea of guilty or nolo contendere is tendered or received as a result of a plea agreement, the trial judge shall give the agreement due consideration, but notwithstanding its existence, must reach an independent decision on whether to grant charge or sentence leniency under the principles set forth in Rule 25.6 of these rules.

25.6 Consideration of Plea in Final Disposition.

(a) It is proper for the judge to grant charge and sentence leniency to defendants who enter pleas of guilty or nolo contendere when the interests of the public in the effective administration of criminal justice are thereby served. Among the considerations which are appropriate in determining this question are:

(1) That the defendant by entering a plea has aided in ensuring the prompt and certain application of correctional measures;
(2) That the defendant has acknowledged guilt and shown a willingness to assume responsibility for conduct;
(3) That the leniency will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other purposes of correctional treatment, or will prevent undue harm to the defendant from the form of conviction;
(4) That the defendant has made public trial unnecessary when there are good reasons for not having the case dealt with in a public trial;
(5) That the defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct;
(6) That the defendant by entering a plea has aided in avoiding delay (including delay due to crowded dockets) in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.
(b) The judge should not impose upon a defendant any sentence in excess of that which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law merely because the defendant has chosen to require the prosecution to prove the defendant's guilt at trial rather than to enter a plea of guilty or nolo contendere.

25.7 Determining Voluntariness of Plea.

The judge shall not accept a plea of guilty or nolo contendere without first determining, on the record, that the plea is voluntary. By inquiry of the prosecuting attorney and defense counsel, the judge should determine whether the tendered plea is the result of prior plea discussions and a plea agreement, and, if it is, what agreement has been reached. If the prosecuting attorney has agreed to seek charge or sentence leniency which must be approved by the judge, the judge must advise the defendant personally that the recommendations of the prosecuting attorney are not binding on the judge. The judge shall then address the defendant personally and determine whether any other promises or any force or threats were used to obtain the plea.

25.8 Defendant to Be Informed.

The judge shall not accept a plea of guilty or nolo contendere from a defendant without first:
(a) Determining on the record that the defendant understands the nature of the charge(s);
(b) Informing the defendant on the record that by entering a plea of guilty or nolo contendere one waives:
(1) The right to trial by jury;
(2) The presumption of innocence;
(3) The right to confront witnesses against oneself;
(4) The right to subpoena witnesses;
(5) The right to testify and to offer other evidence;
(6) The right to assistance of counsel during trial;
(7) The right not to incriminate oneself; and that by pleading not guilty or remaining silent and not entering a plea, one obtains a jury trial; and
(c) Informing the defendant on the record:

(1) Of the terms of any negotiated plea;
(2) That a plea of guilty may have an impact on his or her immigration status if the defendant is not a citizen of the United States;
(3) Of the maximum possible sentence on the charge, including that possible from consecutive sentences and enhanced sentences where provided by law; and/or
(4) Of the mandatory minimum sentence, if any, on the charge. This information may be developed by questions from the judge, the district attorney or the defense attorney, or a combination of any of these.

25.9 Determining Accuracy of Plea.

Notwithstanding the acceptance of a plea of guilty or nolo contendere, judgment shall not be entered upon such plea without such inquiry on the record as may satisfy the judge that there is a factual basis for the plea.

25.10 Stating Intention to Reject the Plea Agreement.

If the trial court intends to reject the plea agreement, the trial court shall, on the record, inform the defendant personally that (1) the trial court is not bound by any plea agreement; (2) the trial court intends to reject the plea agreement presently before it; (3) the disposition of the present case may be less favorable to the defendant than that contemplated by the plea agreement; and (4) that the defendant may then withdraw his or her guilty plea as a matter of right. If the plea is not then withdrawn, sentence may be pronounced.

25.11 Plea Withdrawal.

(a) After sentence is pronounced, the judge shall allow the defendant to withdraw his plea of guilty or nolo contendere whenever the defendant, upon a timely motion for withdrawal, proves that withdrawal is necessary to correct a manifest injustice.
(b) In the absence of a showing that withdrawal is necessary to correct a manifest injustice, a defendant may not withdraw a plea of guilty or nolo contendere as a matter of right once sentence has been pronounced by the judge.

RULE 26. RECORD OF PROCEEDINGS

A verbatim mechanical recording or a contemporaneous paper record, or both, of the proceedings at which a defendant enters a plea of guilty or nolo contendere shall be made and preserved for a minimum of two years. The record shall include:
(a) The inquiry into the voluntariness of the plea (as required in Rule 25.7);
(b) The advice to the defendant (as required in Rule 25.8);
(c) The inquiry into the accuracy of the plea (as required in Rule 25.9); and, if applicable,
(d) The notice to the defendant that the trial court intends to reject the plea agreement and the defendant's right to withdraw the guilty plea before sentence is pronounced.

RULE 27. PRESERVATION OF EVIDENCE

27.1 Maintenance of Criminal Evidence.

Prior to and during the trial or hearing:

The clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other material objects or any other case file, shall maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the items. Dangerous or contraband items shall be placed in the custody of the clerk of the municipal court or his/her designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the court reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the clerk or court reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The clerk shall update the log or inventory to show the current custodian and the location of the evidence. Dangerous or contraband items shall be transferred to the chief of police, sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The chief of police or sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk and the chief of police or sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the Clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter, during court proceedings, shall be maintained in accordance with the provisions of OCGA§ 17-5-55 and other applicable law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counsel or party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counsel or party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory.

The log or inventory of any evidence separated from the original case file shall be maintained in the original case file.

Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counsel or party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counsel or

party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition. Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court , court reporter, chief of police or sheriff or other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court reporter, chief of police or sheriff or other law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counsel or party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police or sheriff or law enforcement agency may dispose of the item(s).

27.2 Maintenance of Civil Evidence.

(a) Prior to and during the trial or hearing:

The Clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other materials objects or any other case file, maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the items. Dangerous or contraband items shall be placed in the custody of the Clerk of the municipal court or designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the Court Reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the Clerk or Court Reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The Clerk of the municipal court shall update the log or inventory to show the current custodian and the location of the evidence.

(b) Once the trial is concluded:

Dangerous or contraband items shall be transferred to the chief of police or sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk of the municipal court and the chief of police, sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter shall be maintained in accordance with the law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counsel or party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counsel or party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory.

The log or inventory of any evidence separated from the original case file shall be maintained in the original case file. Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counsel or party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counsel or party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition. Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, sheriff of other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court reporter, chief of police, sheriff or law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counsel or party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police, sheriff or law enforcement agency may dispose of the item(s).

RULE 28 COURTROOM ATTIRE

Rule 28 Head Coverings

Rule 28 Head Coverings

(a) Head coverings.

Head coverings are prohibited in the courtroom except in cases where the covering is worn for medical or religious reasons. To the extent security requires a search of a person wearing a permitted head covering; the individual has the option of having the inspection performed by a same-sex officer in private. The individual is allowed to replace their own head covering after the inspection is complete.

CITY COUNCIL AGENDA ITEM

SUBJECT: Georgia General Assembly – Request for Technology Fee

AGENDA SECTION: (*check all that apply*)

☐ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**
☒ **NEW BUSINESS** ☐ **OTHER, PLEASE STATE: PUBLIC NOTICE**

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**
☒ **OTHER, PLEASE STATE: APPROVAL**

ACTION REQUESTED: ☐ **DECISION** ☒ **DISCUSSION,** ☐ **REVIEW, or** ☐ **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap here to enter text.

Current Work Session: Monday, December 16, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Mallory Minor, Court Administrator

PRESENTER: Court Administrator Mallory Minor

PURPOSE: Georgia General Assembly – Request for Technology Fee

FACTS: To recommend a technology fee of $10 be added to all citations issued within the city limits of the City of Stonecrest. This fee will go towards the maintenance and enhancement of technology systems used within the Municipal Court of Stonecrest. The introduction of a technology fee is necessary to ensure the continued development and improvement of technology systems utilized in the court. These technologies play a crucial role in streamlining processes, enhancing efficiency, and improving the overall user experience for both court personnel and litigants.

OPTIONS: Approve, Deny, Defer Approve

RECOMMENDED ACTION: Approve

CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

(1) Attachment 1 - HB 1106 Municipal Court of Tybee
(2) Attachment 2 - HB 1469 Municipal Court of Emerson
(3) Attachment 3 - HB 645 City of Sylvester
(4) Attachment 4 - N/A
(5) Attachment 5 - N/A

House Bill 1106 (AS PASSED HOUSE AND SENATE)

By: Representatives Petrea of the 166th, Stephens of the 164th, Jackson of the 165th, Gilliard of the 162nd, and Hitchens of the 161st

A BILL TO BE ENTITLED

AN ACT

To authorize the Municipal Court of the City of Tybee Island to charge a technology fee; to specify the uses to which such technology fees may be applied; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) The clerk of the Municipal Court of the City of Tybee Island shall be entitled to charge and collect a technology fee as a surcharge to each criminal and quasi-criminal fine paid. The technology fee shall be set by order of the judge of the court, provided that the fee shall not exceed $10.00.

(b) The fee authorized by subsection (a) of this section shall be used exclusively to provide for the following technological needs of the court and the city's police department:

(1) The purchase, lease, maintenance, and installation of computer hardware and software;

(2) The purchase, lease, maintenance, and installation of equipment and software used for imaging, scanning, facsimile, communications, projections, and printing; and

(3) Police department hardware, software, and associated equipment for body-worn, mobile, stationary, or vehicle mounted cameras.

(c) All funds collected pursuant to this Act shall be maintained in a segregated account by the chief financial officer of the city and clerk of court, separate from other funds of the city, and shall be expended only for authorized purposes upon direction of the city manager. The funds may be used to reimburse the city's information technology department for services provided to the court or police department.

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

House Bill 272 (AS PASSED HOUSE AND SENATE)

By: Representatives Huddleston of the 72nd, Collins of the 71st, Smith of the 18th, and Smith of the 70th

A BILL TO BE ENTITLED

AN ACT

To authorize the Municipal Court of the City of Carrollton to charge a technology fee; to specify the uses to which such technology fees may be applied; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The clerk of the Municipal Court of the City of Carrollton shall be entitled to charge and collect a technology fee as a surcharge to each criminal and quasi-criminal fine paid. The technology fee shall be set by order of the judge of the court, provided that the fee shall not exceed $10.00. Such fee shall be used exclusively to provide for the following technological needs of the court: the purchase, lease, maintenance, and installation of computer hardware and software; and the purchase, lease, maintenance, and installation of equipment and software used for imaging, scanning, facsimile, communications, projections, and printing. All funds collected pursuant to this Act shall be maintained in a segregated account by the chief financial officer of the city and clerk of court, separate from other funds of the city, and shall be expended only for authorized purposes upon direction of the city manager. The funds may be used to reimburse the city's information technology department for services provided to the court.

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

House Bill 645 (AS PASSED HOUSE AND SENATE)

By: Representative Yearta of the 152nd

A BILL TO BE ENTITLED

AN ACT

To amend an Act to provide a new charter for the City of Sylvester, approved May 13, 2008 (Ga. L. 2008, p. 4219), as amended, so as to authorize the municipal court to levy and collect a technology fee; to provide for authorized uses of the proceeds of such fee; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to provide a new charter for the City of Sylvester, approved May 13, 2008 (Ga. L. 2008, p. 4219), as amended, is amended by adding a new subsection to Section 4.13 to read as follows:

"(i)(1) The clerk of the municipal court shall be entitled to charge and collect a technology fee as a surcharge to each criminal and quasi-criminal fine paid. Said technology fee shall be in addition to any other fees or surcharges authorized by law. The technology fee shall be set by order of the judge of the court, provided that the fee shall not exceed $20.00.

(2) Such fee shall be used exclusively to provide for the following technological needs of the court and the police department, including but not limited to the purchase, lease,

maintenance, and installation of computer hardware and software; and the purchase, lease, maintenance, and installation of equipment and software used for imaging, scanning, facsimile, communications, projections, and printing.

(3) All funds collected pursuant to this Act shall be maintained in a segregated account by the chief financial officer of the city and clerk of court, separate from other funds of the city, and shall be expended only for authorized purposes upon direction of the city manager. The funds may be used to reimburse the city's information technology department for services provided to the court or police department.″

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Sec. 2-177. Delegation of authority to set fees charged by the city.

(a) The city manager or his designee shall have the authority to set such fees for permits, licenses, or other permissions required of the city.

(b) Any change to any license fee, permit fee, or other fee charged by the city and set by the city manager shall not take effect unless and until the process required by section 2-178 shall be completed.

(c) The city council shall retain the authority to rescind any fee set by the city manager or his designee upon passage of a resolution of the council rescinding such fee or setting a different fee amount.

(d) The city manager is directed to take into account the costs associated with the application process and enforcement of the licensing or permitting scheme in determining an appropriate fee to be charged.

(Ord. No. 09-05, § 2-177, 9-18-2017)

Sec. 2-178. Administrative process for altering or setting fees charged by the city.

(a) The city manager or his designee shall:

(1) Post any proposed change to the city fee schedule at city hall and on the city's website at least 45 days before the change is to take effect, including a calculation of the effective date of such change.

(2) Notify the mayor and city council by paper or electronic communication and by announcement at the next regular meeting of the city council of the proposed change.

(3) All communications or postings of proposed changes to the city fee schedule shall include a justification for the needed change, which may include an analysis of the costs associated with the application, permit or license, costs of enforcement and investigation incurred by the application, permit or license, and such other facts or circumstances deemed relevant to the need for the change to the fee schedule.

(b) Persons impacted by the proposed change shall have 30 days from the posted communication to make objections known to the city manager, in writing or by electronic communication, who shall then forward such objections to the city attorney and the mayor and city council. If oral objections are communicated, the objector shall be informed of the opportunity to provide feedback in writing.

(Ord. No. 09-05, § 2-178, 9-18-2017)

Sec. 2-179. Effective date of changes to city fee schedule.

(a) Any proposed change to the city fee schedule initiated by the city manager shall take effect no sooner than 45 days from the date first posted or first communicated to the mayor and council, whichever is later.

(b) No change to the city fee schedule shall be applied retroactively to any application, permit, license or other city fee.

(Ord. No. 09-05, § 2-179, 9-18-2017)

CITY COUNCIL AGENDA ITEM

SUBJECT: ARPA Funding Status

AGENDA SECTION: (*check all that apply*)

☒ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**
☐ **NEW BUSINESS** ☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☒ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

ACTION REQUESTED: ☒ **DECISION** ☒ **DISCUSSION,** ☐ **REVIEW, or** ☐ **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, December 16, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs, City Manager

PRESENTER: Gia Scruggs, City Manager and Steven Whitney, Berry Dunn

PURPOSE: To have a discussion and make a decision on the ARPA Funding Status.

FACTS: Click or tap here to enter text.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Click or tap here to enter text.
(2) Attachment 2 - Click or tap here to enter text.
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

SUBJECT: Direct Reports to City Council

AGENDA SECTION: (*check all that apply*)

☒ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**
☐ **NEW BUSINESS** ☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: (*check all that apply*)

☐ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☒ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

ACTION REQUESTED: ☐ **DECISION** ☒ **DISCUSSION,** ☐ **REVIEW, or** ☐ **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, December 16, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To have a discussion on the direct reports to the City Council.

FACTS: Click or tap here to enter text.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Click or tap here to enter text.
(2) Attachment 2 - Click or tap here to enter text.
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for TMOD 24-001 Truck Parking

AGENDA SECTION: (*check all that apply*)

☒ **PRESENTATION** ☐ **PUBLIC HEARING** ☐ **CONSENT AGENDA** ☐ **OLD BUSINESS**
☐ **NEW BUSINESS** ☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: (*check all that apply*)

☒ **ORDINANCE** ☐ **RESOLUTION** ☐ **CONTRACT** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **OTHER, PLEASE STATE:** Click or tap here to enter text.

ACTION REQUESTED: ☐ **DECISION** ☒ **DISCUSSION,** ☐ **REVIEW, or** ☐ **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, December 16, 2024

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Jazzmin Cobble, Mayor

PRESENTER: Jazzmin Cobble, Mayor

PURPOSE: To have a discussion on the Ordinance for TMOD 24-001 Truck Parking.

FACTS: Click or tap here to enter text.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Approve with conditions

ATTACHMENTS:

(1) Attachment 1 - Tecxt Amendment Sec. 6.1.3 Parking Regulations, Off – Street Parking Spaces
(2) Attachment 2 - Click or tap here to enter text.
(3) Attachment 3 - Click or tap here to enter text.
(4) Attachment 4 - Click or tap here to enter text.
(5) Attachment 5 - Click or tap here to enter text.

ARTICLE 6. PARKING

TEXT AMENDMENT

TMOD 24-001

SEC. 6.1.3 PARKING REGULATIONS, OFF-STREET PARKING SPACES

Sec. 6.1.1. Introduction.

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

Sec. 6.1.2. Interpretation.

A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.

B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.

C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

Sec. 6.1.3. Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.

B. All parking lots and spaces shall conform to the following requirements:

1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:

   (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;

   (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor

   (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

   Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'

75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:

    a. The parking area shall be screened from view of the public street with an opaque fence or wall minimum of six feet in height.

    b. The parking area shall be at least 25 feet from the street right-of-way.

    c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least 75 percent evergreens and at least two rows of plants.

    d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;

    e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and

    f. The parking lot has a minimum of one acre.

11. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:

    a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;

    b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;

    c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;

    d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;

    e. Parking areas shall be inspected by the City of Stonecrest every two years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;

    f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;

    g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one-time extension up to 12 months.

12. Commercial trucks, tractor trailers and semi-trailers: A commercial truck (including medium and heavy-duty trucks, semi-trucks, tractor trailer flatbed trucks, tow trucks, box trucks, and delivery trucks) and semitrailer are prohibited from parking in all residentially zoned properties. Commercial trucks, tractor trailers or semitrailers shall not be parked or stored in any O-I (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial), MU-1 (Mixed Use Low Density), MU-2 (Mixed Use Low Density, MU-3 (Mixed Use Medium Density), MU-4 (Mixed Use High Density) and NS (Neighborhood Shopping) districts.

C. No Semi Truck allowed signs/ and/or Weight limit signs shall be posted on the designated streets that are not classified as truck routes. (See Table 6.1 a No Semi Truck/Weight limits signs examples.)

Table 6.1 a No Semi Truck/Weight limits signs.

	
	
	

The following are exceptions;

a. The vehicle is engaged in loading or unloading activity where the driver is present and in charge thereof.
b. The vehicle is owned or is being used by a business located on the property.
c. A business on the property is conducting operations and the vehicle is being used in connection with such activity. Where a commercial vehicle is parked in an O-I, C-1, C-2, or MU district, it shall park only in areas designated and posted as loading zones and/or loading docks.
d. Using loading zones and unloading docks by commercial vehicle operators for sleeping or parking overnight is strictly prohibited.
e. If any vehicle found upon a parking lot, driveway or entrance drive, in violation of this Section regulating the parking and/or storage of commercial trailers, the owner or person in possession of any real property or the vehicle operator, or both may be punished as provided in this code section.

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018)

Sec. 6.1.4. Off-street parking ratios.

A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 6.1.5.

B. In residential districts in which garage space is provided, the garage space may count for no more than one required space per 200 square feet of garage space.

C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.

D. Minimum and maximum parking ratios. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 6.2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.

E. Phased development. Where a project is intended to be developed in phases, the director of planning may approve phased development of a parking lot intended to serve current and future development.

F. Reduction of minimum parking requirements. The minimum number of required spaces described in Table 6.2 for a particular use may be reduced by ten percent by the director of planning pursuant to an administrative variance in compliance with article 7 of this chapter. If the use is within 1,000 feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by 25 percent in accordance with article 7 of this chapter.

G. Carpool/vanpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:

1. At least five percent of the parking spaces on-site must be reserved for carpool use.

2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 6.1.16, this subsection shall prevail.

3. Signs shall be posted identifying spaces reserved for carpool use.

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Residential		
Detached single-family dwelling	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Two-family and three-family dwellings	One space per dwelling unit.	Four spaces per dwelling unit.
Detached single-family condominium	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Attached single-family dwelling	1½ spaces per dwelling unit, plus one-quarter space per dwelling	Three spaces per dwelling unit, plus one-quarter space per

	unit to accommodate guest parking.	dwelling unit to accommodate guest parking.
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Child daycare facility	Two spaces.	Four spaces.
Child care institution, group	Two spaces.	Four spaces.
Child care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Live Work dwelling	Two spaces per unit.	Four spaces per unit.
Institutional		
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One parking space for each fleet vehicle plus one-half space for each administrative or service employee.	One parking space for each fleet vehicle plus three-quarter space for each administrative or service employee.
Child daycare center	One space for each 400 square feet of floor area.	One space for each 300 square feet of floor area.
Convent or monastery	One space for each 400 square feet of floor area.	One space for each 200 square feet of floor area.
Funeral home	One space for each 400 square feet of floor area	One space for each 200 square feet of floor area.
Hospital and similar institutional use	One space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter space per bed	One-half space per bed
Kindergarten	One space per 300 square feet of floor area.	One space per 200 square feet of floor area.
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums,	One space for each four seats in the largest assembly room.	One space for each two seats in the largest assembly room.

auditoriums, live performance theaters, conference centers and cultural facilities		
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One space for each 40 square feet of floor space in the largest assembly room.	One space for each 20 square feet of floor space in the largest assembly room.
Private elementary and middle school	1½ spaces for each classroom.	Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Private high school	Three spaces for each classroom.	Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Colleges, including trade, vocational, and commercial vocational schools	Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.	No maximum.
Recreational		
Athletic Field	20 spaces per field.	60 spaces per field.
Bowling alley	Four spaces for each alley.	Five spaces for each alley.
Driving range	One space per tee	1½ spaces per tee
Miniature Golf	12 spaces	20 spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One space for each 200 square feet of floor area.	One space for each 100 square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	One space per 10 homes.	One space per five homes.
Public or private golf course	15 spaces per nine holes.	30 spaces per nine holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One space for each 300 square feet of floor area.	One space for each 125 square feet of floor area.
Special events facilities	One space for each 200 square feet of space used for such activity.	One space for each 100 square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One space for each 300 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 300 square feet of area within the tent enclosure.	One space for each 200 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.

Commercial		
Adult daycare center	Two spaces	Four spaces
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Car wash	Two stacking spaces for each car wash lane plus two drying spaces per lane.	Three stacking spaces for each car wash lane plus three drying spaces per lane.
Convenience Store without gas pumps	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Convenience Store with gas pumps	One space per 500 square feet of floor area	One space per 150 square feet of floor area.
Grocery Store	One space per 500 square feet of floor area.	One space per 200 square feet of floor area.
Hotel or motel	One space per lodging unit, plus one space per each 150 square feet of banquet, assembly, or meeting area.	1 2/10spaces per lodging unit, plus one space per each 100 square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One space for each 1,000 square feet of floor area	One space for each 300 square feet of floor area
Office, Professional	One space for each 500 square feet of floor area.	One space for each 250 square feet of floor area.
Offices, Doctor and Dentist	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One space for each 150 square feet of floor area, but not less than ten spaces.	One space for each 75 square feet of floor area, but not less than ten spaces.
Late Night Establishment	One space for each 300 square feet of floor area with a minimum of ten spaces.	One space for each 150 square feet of floor area with a minimum of ten spaces.
Nightclub	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 150 square feet of floor are, but not less than ten spaces.
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.

Convenience Stores or Grocery Stores or other uses described more particularly herein		
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
Industrial		
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One space for each 2,000 square feet of floor area.	One space for each 1,300 square feet of floor area.
Warehouse, distribution	One space for each 2,500 square feet of floor area.	One space for each 500 square feet of floor area.
Wholesale membership club	One space for each 500 square feet of floor area	One space for each 200 square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.	One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.

(Ord. of 8-2-2017, § 1(6.1.4); Ord. No. 2022-05-01 , § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-01 , § 2(Exh. A), 8-2-2022)

Sec. 6.1.5. Off-street parking reduction for shared parking.

Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the director of planning seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the director of planning shall be executed prior to issuance of any certificates of occupancy for the development.

In any shared parking agreement, at least 50 percent of shared parking spaces must lie within 700 feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within 1,000 feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the director of planning and filed on the deed records in the office of the Clerk of Superior Court for

DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owners in violation of this zoning ordinance.

The steps for determining parking requirements in a mixed use development are:

A. Determine the minimum amount of parking required for each separate use (Table 6.2).

B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

C. Calculate the column total parking requirement for each time period.

D. The largest column total is the shared parking requirement.

E. Example of shared parking calculation:

If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

Office: 400 spaces;

Retail: 300 spaces; and

Restaurant uses: 100 spaces;

With a total parking for individual use on-site: 800 spaces.

Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 6.4 (by applying the percent reduction in Table 6.3):

Table 6.3. Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	100 percent	10 percent	5 percent	10 percent	5 percent
Retail	60 percent	90 percent	10 percent	100 percent	70 percent
Hotel	75 percent	90 percent	100 percent	75 percent	90 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	100 percent
Entertainment/Recreational	40 percent	100 percent	10 percent	80 percent	100 percent
Church	25 percent	60 percent	10 percent	100 percent	100 percent

Table 6.4. Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.	1:00 a.m.—6:00 a.m.	6:00 a.m.—5:00 p.m.	5:00 p.m.—1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0

Church	0	0	0	0	0
Total	630	410	60	440	330

As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of 170 required spaces.

(Ord. of 8-2-2017, § 1(6.1.5))

Sec. 6.1.6. Shared driveways and interparcel access.

A. *Applicability.* This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.

B. *Shared driveways.* Shared driveways between two parcels along a common property line may be required by the planning commission during subdivision plat review or by the director of planning during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.

C. *Interparcel access requirements.* Interparcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the director of planning during the land disturbance permitting process determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission from the abutting property owners for such interparcel access.

(Ord. of 8-2-2017, § 1(6.1.6))

Sec. 6.1.7. Number of handicapped parking spaces required.

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

(Ord. of 8-2-2017, § 1(6.1.7))

Sec. 6.1.8. On-street parking.

On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

(Ord. of 8-2-2017, § 1(6.1.8))

Sec. 6.1.9. Parking structures.

The following requirements shall apply for parking structures:

A. *Minimum setbacks.* Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.

B. *Maximum height.* Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.

C. *Architectural features and facades.*

1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on facades facing public rights-of-way.

2. Architectural features and facades for parking structures shall be compatible with abutting structures.

D. *Orientation.* Parking structures shall be oriented to the interior of the parcel by adhering to the following:

1. Residential dwelling units, retail storefronts or office facades shall line the parking structure along all first floor facades adjacent to a street, excluding alleys and driveways.

2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

(Ord. of 8-2-2017, § 1(6.1.9))

Sec. 6.1.10. Parking area landscaping.

See parking area landscaping requirements in section 5.4.4.

(Ord. of 8-2-2017, § 1(6.1.10))

Sec. 6.1.11. Paving surfaces.

A. Typical paving surfaces. The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

B. Alternative paving surfaces may be used for the number of spaces that exceed 105 percent of the minimum required spaces subject to the confirmation by the director of planning of the pervious nature of the alternative paving material and the numerical calculations.

1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.

2. Driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:

a. Uses within 50 feet of environmentally sensitive areas identified in the comprehensive plan;

b. Uses which require parking for less than five days per week during a typical month; and

c. Parks, playgrounds, and other similar outdoor recreation areas with less than 200 parking spaces.

(Ord. of 8-2-2017, § 1(6.1.11))

Sec. 6.1.12. Stacking spaces.

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the street from the junction of the two street curb lines to the nearest edge of the entrance.

(Ord. of 8-2-2017, § 1(6.1.12))

Sec. 6.1.13. Valet parking requirements.

All valet parking services shall meet the following requirements:

A. Valet parking services shall only use off-street parking to park customer vehicles.

B. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

(Ord. of 8-2-2017, § 1(6.1.13))

Sec. 6.1.14. Off-street loading requirements.

A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 6.5. Off-street loading space requirements

Off-street loading requirements		
Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1
	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multifamily residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1

	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers		2

B. Design and arrangement of off-street loading areas. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:

1. A loading space shall measure no less than 12 feet by 35 feet and have no less than 14 feet of vertical clearance.
2. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
3. For manufacturing and warehousing uses, all loading spaces shall measure no less than 12 feet by 55 feet.
4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.

C. Off-street loading and maneuvering location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:

1. Industrial zoning districts. If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a 50-foot landscaped strip shall be established between the nonindustrial zoning district and the off-street loading spaces and maneuvering area.

D. Screening of loading areas. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.

E. Enclosure of dumpsters and trash compactors. All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six feet in height.

(Ord. of 8-2-2017, § 1(6.1.14))

Sec. 6.1.15. Parking of trailers in residential districts.

A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten feet from side property line, whichever is less; or within ten feet of the rear lot line.

B. No recreational vehicle or trailer may be occupied for human habitation for more than 14 consecutive days while parked within a residential zoning district.

C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.

D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.

E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding 15 consecutive days, or a total of 30 days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

(Ord. of 8-2-2017, § 1(6.1.15))

Sec. 6.1.16. Alternative fuel vehicles parking.

A. *Where required.* Preferential parking for alternative fuel vehicles shall be provided for all new nonresidential parking areas containing 100 or more parking spaces, and for new parking areas of mixed-use projects where the nonresidential portion of the project requires 100 or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.

B. *Required number of spaces.* At least two percent of all parking spaces in parking lots identified in subsection A. of this section shall be designated for preferential parking for alternative fuel vehicles.

C. *Location of parking spaces.* The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements, or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

D. *Signage required.* Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.

E. *Existing vehicle recharging stations.* Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

(Ord. of 8-2-2017, § 1(6.1.16))

Sec. 6.1.17. Bicycle/moped parking requirements.

A. A building, commercial establishment, recreation area, or other property, whether privately or publicly-owned or -operated, that is required to provide automobile parking facilities, whether free of charge or for a

fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one bicycle/moped parking space for every 20 required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three, nor be required to have more than 50 bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.

B. All bicycle/moped spaces shall be located within 250 feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten inches by 15 inches shall be displayed that directs cyclists to the bicycle/moped parking.

C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.

D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(Ord. of 8-2-2017, § 1(6.1.17))