

ORDINANCE 2017-030  
1<sup>st</sup> reading: November 20, 2017  
2<sup>nd</sup> reading: December 4, 2017

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO INCREASE THE SURCHARGE THAT IS ADDED TO MUNICIPAL COURT FINES FROM SEVEN PERCENT TO EIGHT PERCENT TO COVER THE COST OF JAIL EXPENSES; REPEALING CONFLICTING ORDINANCES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, the City of Powder Springs did previously enter into an intergovernmental agreement with the City of Smyrna whereby Smyrna's detention facility would be used to house and board the City's municipal prisoners; and

**WHEREAS**, pursuant to the intergovernmental agreement, a seven (7) percent penalty was added to all municipal court fines for payment to Smyrna to defray the costs associated with the use of the Smyrna detention facility for municipal prisoners; and

**WHEREAS**, the cost to house municipal prisoners exceeds the amount of surcharges collected; and

**WHEREAS**, the City Charter, Section 4.13 (d), provides that the municipal court has the authority to establish a schedule of fees to defray the cost of its operation; and

**WHEREAS**, the City Charter Section 4.15, also provides that with the approval of the Mayor and City Council, the judge of the municipal court has full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; and

**WHEREAS**, the Mayor and Council and the Chief Judge of the Municipal Court all concur that the existing surcharge added to all municipal court fines should be increased from seven percent (7%) to eight percent (8%) to account for the costs to City of Powder Springs that are incurred by using the City of Smyrna Jail for City of Powder Springs prisoners.

**NOW THEREFORE**, the Mayor and Council of the City of Powder Springs do hereby ordain that the Code of Ordinances is amended as follows:

SECTION ONE

The Code of Ordinances is amended by changing the language in Chapter 6, Section 6-7 shown as stricken and double-underlined to read as follows:

**Sec. 6-7. - Court costs.**

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Court costs shall be determined under the provisions of [section 4.13](#) of the city charter. All court fines shall have added a surcharge of ~~seven percent (7%)~~ eight percent (8%) to be paid into a special jail fund to be used to defray the costs to the City which are associated with the incarceration of municipal prisoners.

SECTION TWO

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.


SECTION THREE

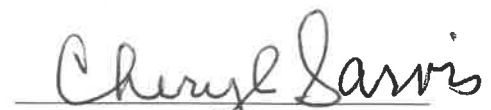
This ordinance shall become effective immediately upon its adoption by the City Council.


SECTION FOUR

The consent of the Chief Judge of the Powder Springs Municipal Court to the content of this ordinance is attached hereto as Exhibit A.

SO ORDAINED, this 4<sup>th</sup> day of December, 2017.

  
Albert Thurman, Mayor

  
Cheryl Sarvis, Council Member

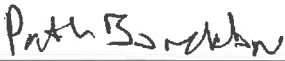
  
Nancy Hudson, Council Member

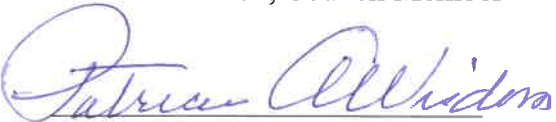
  
Doris Dawkins, Council Member

[signatures on following page]

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Patrick Bordelon, Council Member

  
Patricia Wisdom, Council Member

Attest:   
Kelly Axt, City Clerk

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EXHIBIT A

CONSENT

I hereby consent to the content of the foregoing ordinance, this 6<sup>th</sup> day  
of Dec, 2017.



Chief Judge  
Powder Springs Municipal Court