


DATE: October 8, 2021
TO: Mayor and City Council
FROM: City Manager 
SUBJECT: AMENDMENT OF ORDINANCE FOR THE
ESTABLISHMENT OF THE CITY MARSHAL'S OFFICE



RECOMMENDED ACTION

Approve the attached Ordinance Amendment for changes in the establishment of the City Marshal's office and related duties and responsibilities.

BACKGROUND

The role of the Marshal is identified under the purview of the City Manager in the current code of ordinances. Review of this section and identification of the duties of the office demonstrated the need for an ordinance amendment to be more complete.

DISCUSSION

With the recent staff hiring and the formation of the Marshal's office, the City Code of Ordinances will require an update to outline the duties and responsibilities of the Marshal's office.

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PROVISIONS IN ARTICLE III (Officers and Employees) OF CHAPTER 2 (Administration) OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA RELATED TO CITY MANAGER AND CITY MARSHAL

WHEREAS, the City Council of the City of Sugar Hill, Georgia previously established a City Marshal's Office, which was previously recognized by the Georgia Peace Officer Standards and Training Council; and

WHEREAS, the City Council desires to update its Code of Ordinances to fully recognize and reestablish the City Marshal's Office; and

WHEREAS, the City Council believes that the reestablishment of the City Marshal's Office is in the best interest of the City of Sugar Hill to protect the health, safety, and welfare of its residents, visitors, and workers; and

WHEREAS, the City Council desires to set forth the role and duties of the City Marshal's Office; and

NOW THEREFORE, BE IT ORDAINED that the City Council hereby amends Article III (Officers and Employees) of Chapter 2 (Administration) of the Code of the City of Sugar Hill, Georgia to set forth the City Marshal's Office as follows:

Section 1:

That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2:

That Division 2 of Article III of Chapter 2 of the Code of the City of Sugar Hill is hereby amended by deleting subsection (26) of Section 2-181 and replacing subsection (26) so that it shall appear and read as follows:

Section 2-181:

(26) To designate or hire, as appropriate under the powers identified in subsection (1) above, those staff necessary to fulfill the duties of the city marshal's office.

Section 3:

That a new Division 6 shall be added to Article III of Chapter 2 of the Code of the City of Sugar Hill and shall appear and read as follows:

Division 6. City Marshal's Office.

Sec. 2-261. - City marshal's office.

- (a) *Established, purpose and intent.* There is hereby created the City Marshal's Office. The purpose of this section is to do all things necessary in order for the City Marshal's Office to continue to be recognized as a law enforcement agency of the state and certified within the standards of the Georgia Peace Officer Standards and Training Act (POST Act), as provided in Chapter 8 of Title 35 of the Official Code of Georgia Annotated.
- (b) *Requirements.* The requirements for the city marshal's office shall be as follows:
- (1) All officers hired as a Marshal shall be and shall maintain POST Certification, or in the event a person is who is not POST Certified on the date of hire, then he/she shall have 12 months from his/her hiring date in which to become POST Certified.
 - (2) All officers hired as a Marshal must be at least 19 years of age, have a high school diploma or GED, and a valid state driver's license;
 - (3) All officers hired as a Marshal must be of good moral character and standing in the community which shall require that no officer shall have any convictions of any misdemeanor involving moral turpitude and/or any convictions of any felony.
- (c) *Powers of arrest.* An officer of the Marshal's office shall have the power of arrest in the enforcement of all ordinances of City of Sugar Hill and the laws of the State of Georgia.
- (d) *Duties and responsibilities.*
- (1) To enforce all ordinances enacted by the mayor and council of the city, including but not limited to ordinances involving alcohol, building codes, building guidelines, development regulations and codes, subdivision regulations, zoning and planning, roads and bridges.
 - (2) To issue warnings, notices of violation, summons, and/or citations for the violation of laws and ordinances.
 - (3) To serve warnings, notices of violation, summons, citations, subpoenas, orders, and other process issued by authority of the City of Sugar Hill and the laws of the State of Georgia.
 - (4) To investigate and collect evidence of ordinance violations.
 - (5) To respond to complaints of alleged ordinance violations.
 - (6) To appear and testify in court.
 - (7) To do any follow-up work that may be necessary.

- (8) To ensure proper collection of fines.
 - (9) To coordinate enforcement efforts concerning the building inspection, planning and zoning, public works and/or any other department or division of the city as may be deemed necessary.
 - (10) To coordinate any outsourced functions under the overall umbrella of public safety as well as serving as a law enforcement liaison between all Federal, State, County, City or private agencies.
 - (11) To perform any other duties, including arrests for state law violations, which are permissible and allowed under O.C.G.A. § 36-8-5.
 - (12) To work in connection with city attorney's office on behalf of the city.
- (e) *Placement of position.* All employees within the Marshal's Office shall be at will employees of the city, serving at the direction of the city manager, and may be removed at any time for any reason without cause in the city manager's sole discretion.
- (f) *Jurisdiction.* The jurisdiction of the City Marshal's Office shall be the entire incorporated area of the City of Sugar Hill, Georgia.
- (g) *Chief marshal.*
- (1) There is created in the City of Sugar Hill Marshal's Office a position as chief marshal, which position shall be appointed by the city manager.
 - (2) With the prior approval of the city manager, the chief marshal shall be responsible for developing office policy and organization within the City Marshal's Office and shall be responsible for supervising all other officers, marshals, or other employees within the City Marshal's Office and shall also be responsible for the promulgation of all rules and regulations for the conduct, management, and control of the City Marshal's Office.

Section 4:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

Section 5:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

IT IS SO ORDAINED this _____ day of October, 2021.

Those voting in favor:

Those voting in opposition:

Post 1 – Vacant

Post 1 – Vacant

Post 2 – Marc Cohen

Post 2 – Marc Cohen

Post 3 – Vacant

Post 3 - Vacant

Post 4 – Nicholas Greene

Post 4 – Nicholas Greene

Post 5 – Taylor Anderson

Post 5 – Taylor Anderson

Date Submitted to Mayor: _____

Date Approved by Mayor: _____

Steve Edwards, Mayor

Attest:

Jane Whittington, City Clerk