

A RESOLUTION BY THE CITY OF CANTON, GEORGIA
ESTABLISHING THE OFFICE OF PROSECUTING ATTORNEY
OF THE MUNICIPAL COURT

A RESOLUTION by the Mayor and Council for the City of Canton, Georgia, relating to the Municipal Court; To proclaim the existence of the Office of Prosecuting Attorney of the Municipal Court; To outline the duties and authorities of the staff therein as expressly allowed by the Constitution and laws of the State of Georgia; To provide for severability; To provide an effective date; To repeal all Resolutions and Ordinances and parts of the same in conflict herewith; and, For other purposes.

WHEREAS, O.C.G.A. § 15-18-90(a) authorizes the City of Canton to create the office of prosecuting attorney of the Municipal Court;

WHEREAS, the City of Canton has utilized a prosecutor in its Municipal Court since the inception of said Court; and

WHEREAS, The Mayor and Council of Canton recognize the importance of having qualified trial attorneys represent the City in Municipal Court and intend to continue doing so; then;

THEREFORE, BE IT RESOLVED as follows:

(1) Findings and Intent. This Ordinance is adopted to address requirements made under Georgia law for the City to pass a Resolution creating the Office of Prosecuting Attorney of the Municipal Court because the City has chosen to hire or to have a prosecuting attorney of the Municipal Court. Under State law, in order to have a Municipal Court prosecutor, the City must pass this Resolution and must provide to the Prosecuting Attorneys' Council of the State of Georgia a copy of the same. The City is also required to submit the name of the person appointed to be the prosecuting attorney of the Municipal Court within thirty (30) days of such appointment in order to maintain the Office of Prosecuting Attorney of the Municipal Court. It is therefore the intent of the City to comply with Georgia law, particularly Article 5 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated and to enact this Article.

(2) Establishment of Office. The Office of Prosecuting Attorney of the Municipal Court is hereby established for the purpose of providing representation of the City of Canton in matters pertaining to ordinance

violations of the city and state offenses enforceable in the municipal courts as allowed by Georgia law. The prosecuting attorney for the Municipal Court shall be a part time position.

(3) Qualifications. Any person appointed as the Prosecuting Attorney for the Municipal Court of the City of Canton shall be a member in good standing of the State Bar of Georgia and admitted to practice before the trial and appellate courts of this State. Nothing in this Article shall prevent the City from appointing the city attorney to be the prosecuting attorney for the Municipal Court, so long as all other requirements under the law are met.

(4) Oath. The Prosecuting Attorney of the Municipal Court for the City of *[Name of City]* shall take and subscribe to the following oath:

I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Canton.

(5) Term of Office. Unless otherwise provided by the Charter of the City of Canton, the Prosecuting Attorney for the Municipal Court shall serve until otherwise designated by the Mayor and Council as authorized by O.C.G.A. § 15-18-91(c).

(6) Jurisdiction, Duties, and Authority. The Office of Prosecuting Attorney of the Municipal Court of the City of Canton shall have the duty and authority to represent the City as defined by the City Charter and by State law, particularly as described in O.C.G.A. § 15-18-96.

(7) Assisting Prosecuting Attorney. The Prosecuting Attorney of the Municipal Court may appoint one or more assistant prosecuting attorneys as necessary. Any such assistant prosecuting attorney shall be a member in good standing of the State Bar of Georgia or satisfy the provisions of the Third Year Practice Act, as found in O.C.G.A. § 15-18-22.

(8) Ratification. This Article shall ratify all actions that have been taken by the persons acting in the positions of the Office of the Prosecuting Attorney for the Municipal Court to date as authorized by Mayor and Council.

THEREFORE, the sections, subsections, paragraphs, sentences, clauses, and phrases of this Resolution are severable, and if any section, subsection, paragraph, sentence, clause, or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the

remaining sections, subsections, paragraphs sentences, clauses, and phrases of this Ordinance; and

THEREFORE, all Resolutions, Ordinances and parts of Ordinances in conflict herewith are expressly repealed; and,

THEREFORE, the Ordinance shall become effective immediately upon its adoption by the City Council.

This Resolution is hereby adopted this ____ day of _____, 2026, the public health, safety and general welfare demanding it.

MAYOR
City of Canton

Attest:

CITY ATTORNEY