

ORDINANCE NUMBER 2003-001

AN ORDINANCE ESTABLISHING A MUNICIPAL COURT IN THE CITY OF TODD MISSION, TEXAS; DECLARING AN EMERGENCY; AUTHORIZING THE APPOINTMENT OF A CITY JUDGE/JUDGE OF THE MUNICIPAL COURT; AUTHORIZING THE APPOINTMENT OF A CLERK OF THE MUNICIPAL COURT; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES.

WHEREAS, the City Council of the City of Todd Mission finds that the creation of the position of Municipal Court is necessary for the proper conduct of the business of the City and to enforce the laws of the State of Texas and the ordinances of the City of Todd Mission within the City Limits of the City of Todd Mission and within property owned by the City located in the City's extraterritorial jurisdiction;

WHEREAS, the City Council hereby declares that the establishment of a Municipal Court for the protection of lives and property in the City of Todd Mission is immediately essential; and

WHEREAS, the City Council further finds that an emergency exists and the passage of an ordinance creating the position of a Municipal Court on an emergency basis is in the best interests of the City of Todd Mission;

WHEREAS, the City Council finds, therefore, that the establishment of the Municipal Court is now imperative;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TODD MISSION:

Section 8.501. CREATION OF MUNICIPAL COURT

(a) CREATION

There is hereby created a court in and for the City of Todd Mission, Texas, which shall be known as the Municipal Court and which shall operate in accordance with Texas Rules of Court.

(b) TERM

The Municipal Court shall hold no terms but shall be deemed at all times open for the transaction of business. The Court may sit at any time to try cases.

(c) SEAL

The Municipal Court shall have a seal having engraved thereon a star of five (5) points in the center and the words "Municipal Court-City of Todd Mission, Texas." The Court Seal may also be created electronically. The impress of the seal shall be attached to all proceedings, except subpoenas issued out of said Court, and shall be used to authenticate the official acts of the Clerk and the Judge, where the Judge or the Clerk is authorized or required to use the seal of office.

Section 8.502 JURISDICTION

(a) EXCLUSIVE JURISDICTION

The Court will have exclusive jurisdiction in criminal cases arising within the City's limits or within property owned by the City located in the City's extraterritorial jurisdiction ("E.T.J.") arising under the ordinances of the City and are punishable by a fine not to exceed:

- (1) \$2,000 in all cases arising under City ordinances or resolution, rules, or orders of City Council that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or
- (2) \$500 in all other cases arising under a City ordinance.

(b) CONCURRENT JURISIDITION

The Court will have concurrent jurisdiction with Justice of the Peace in the precinct in which the City is located in all cases arising under state law within the City's territorial limits or on property owned by the City within its extraterritorial jurisdiction ("E.T.J.") and which:

- (1) Are punishable only by a fine or other sanctions not including confinement in the jail or imprisonment; or
- (2) Arise under Chapter 106, Alcoholic Beverage Code, and do not include confinement as an authorized sanction.

(c) COURT MAY IMPOSE SANCTION OTHER THAN FINE IN SOME CASES

The phrase punishable by "fine only" in the statutes is defined as an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment. Gov. Code §29.003(c) The fact that a conviction

in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the Court, such denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the Municipal Court. Gov. Code §29.003(d)

(d) JURISDICTION OVER BONDS

The Court shall have jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the Court has jurisdiction.

(e) JURISDICTION OVER MINORS

If a minor is charged in the Court with a misdemeanor, other than a traffic offense, the Court shall consult Texas Family Code §51.08 to determine whether the case must be transferred.

Section 8.503 JUDGE

(a) APPOINTMENT

The office of Judge of the Municipal Court shall be filled by appointment by a majority vote of the City Council.

(b) QUALIFICATIONS

The office of Judge of the Municipal Court shall be filled by a licensed attorney in good standing with the State Bar of Texas or an individual having at least 10 years of professional business experience with a good understanding and knowledge of the law and who has successfully completed any and all training requirements.

(c) TRAINING

The Municipal Court Judge who is a licensed attorney shall have completed successfully a 12-hour course in the performance of his duties prior to assuming his duties as Judge; prior to assuming his duties as Judge a non-licensed attorney shall have completed successfully a 32-hour course in the performance of his duties prior to assuming his duties as Judge. The Judge must complete a 12-hour course each calendar year following the calendar year in which the initial course was taken. The course may be completed in an accredited state-supported school of higher education or in a continuing education course, program, or seminar approved by the Texas Judicial Council.

(d) TERM OF OFFICE

The Judge shall be appointed for a term of office of two years; provided that the initial term shall run concurrently with that of the Mayor. The Judge shall receive such compensation as the City Council shall fix by the ordinance or resolution and shall furnish such surety bond as may be required by the City.

(e) ABSENCE OF JUDGE

The City Council may by ordinance or resolution appoint one or more qualified individuals to temporarily sit for the City's regular Municipal Judge in the event of the regular Judge's inability to act due to absence, illness, conflicts, or any other reason.

(f) POWERS AND DUTIES OF JUDGE

The Judge of the Municipal Court shall perform the duties as prescribed by the law of the State of Texas. Specifically, without limitation, he shall:

- (1) Have jurisdiction and cognizance of all offenses against the ordinances of the City, and shall be deemed always open for the trial of said causes.
- (2) Have full power, authority, and jurisdiction in all cases arising under the ordinances of the City, and over any breaches and violations thereof, and of any and all persons thus offending.
- (3) Try and determine all suits, actions, and complaints charging a violation of any ordinance of the City.
- (4) Grant new trials on proper motion in writing, showing sufficient cause and duly sworn to.
- (5) All prosecutions, trials, and proceedings had in said Court shall be governed by the laws and rules regulating trials and proceedings in Justice Courts.
- (6) Require of any person arrested for violating any ordinance of the City, a bond for his good behavior and promise to keep the peace, with two (2) good and sufficient sureties, which bond shall be payable to the City.
- (7) Issue subpoenas for witnesses and compel their attendance by process of attachment.
- (8) Punish all contempts by fines and imprisonment, or either.

(9) Issue subpoenas, attachments, writs of capias, warrants of arrest, search warrants, executions, and all other process known to the law which a Justice of the Peace may lawfully issue. All such writs and process shall be issued, served, and executed under the same forms and in the same manner as the like process would be when issued by a Justice of the Peace, unless otherwise provided in this article.

(10) Administer official oaths and affirmation in trial before him. The Judge may administer an oath and give a certificate of the fact in any matter pertaining to a duty of the Court.

(11) Have no jurisdiction to try any civil case, except to declare bonds forfeited and collect the same.

Section 8.504 DOCKET

The Judge of the Municipal Court shall keep a docket in which the Judge or the Clerk shall enter the proceeding in all trials had before the Judge, which docket shall show:

- (1) The style of the action.
- (2) The nature of the offense charged.
- (3) The date of the issuance of the warrant and the return made thereon.
- (4) The time when the trial was had, and whether tried before a jury or by a bench trial.
- (5) The verdict.
- (6) The judgment of the court.
- (7) Motion for a new trial, if any, and the action of the court thereon.
- (8) Notice of appeal, if any.
- (9) The time when and the manner in which judgment was enforced.
- (10) Date of payment of any fine and the amount paid.

Section 8.505 COURT CLERK

(a) The office of Municipal Court Clerk is hereby created. The Clerk shall receive such compensation as may be fixed by the City Council. The Municipal Court Clerk shall be appointed to office by a majority vote of the City Council and shall be subject to removal at any time by the mayor with the consent of the City Council and shall serve a term of office running concurrently with that of the Judge.

(b) It shall be the duty of the Court Clerk to keep the minutes of the proceedings of the Court, issue all processes, and generally to do and perform the duties of that a County Clerk performs for a County Court in so far as said provisions may be applicable.

PASSED, APPROVED, and ADOPTED on this ____ day of August, 2003.

ATTEST:

CITY OF TODD MISSION

By: _____

Pat Brantner,
City Secretary

By: _____

George Coulam, Mayor