

**ORDINANCE NO. 208-122017**

**AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS ESTABLISHING MUNICIPAL COURT OF RECORD; ABOLISHING THE MUNICIPAL COURT NOT OF RECORD; CONFERRING SPECIFIC JURISDICTION ON THE COURT; PROVIDING FOR PROCEDURES FOR APPOINTMENT OF JUDGES AND CLERKS; PROVIDING FOR COURT REPORTING; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Texas Government Code Section 30.00003 authorizes the governing body of a municipality to create a municipal court of record to provide a more efficient disposition of cases in the municipality; and

**WHEREAS**, the City Council seeks to provide for the enforcement of all local and state laws in order to protect the public health, safety and welfare; and

**WHEREAS**, the City Council finds and determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the City of Garden Ridge; and

**WHEREAS**, at this time, City Council desires to establish one municipal court of record:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:**

Section One - Purpose. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section Two – Court Of Record. The City of Garden Ridge, Texas, Municipal Court of Record, is hereby established. The Municipal Court of Record shall be a unified court of record and shall be called the "Municipal Court of Record in the City of Garden Ridge."

Section Three – Court Not Of Record Abolished. The court not of record is hereby abolished and its jurisdiction is hereby assumed by Municipal Court of Record.

Section Four – Jurisdiction. Jurisdiction of Municipal Court of Record No. 1 is as follows:

- a) In accordance with Texas Government Code Section 30.00005 (a), the court shall have jurisdiction as provided by general law for municipal courts;
- b) In accordance with Texas Government Code Section 30.00005 (b), the court shall have jurisdiction over criminal cases arising under ordinances authorized by Sections 215.072, 217.042, 341.903, and 551.002 of the Texas Local Government Code;

- c) In accordance with Texas Government Code Section 30.00005 (d), City Council hereby provides that the court shall have jurisdiction as following:
- 1) civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code;
  - 2) concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances; and
- d) authority to issue:
- 1) search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
  - 2) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

Section Five – Judges Qualifications; Terms of Office; Compensation.

- a) In accordance with Texas Government Code Section 30.00006, City Council shall appoint by ordinance a Municipal Judge who shall be the presiding officer of the Municipal Court of Record, provided such appointee must:
- 1). be a resident of Texas;
  - 2). be a citizen of the United States;
  - 3). be a licensed attorney in good standing;
  - 4). have two or more years of experience in the practice of law in Texas; and
  - 5). not otherwise be employed by the City of Garden Ridge.
- b) The City Council shall also appoint one person meeting the qualifications of the Municipal Judge to sit for the regular Municipal Judge when said Judge is temporarily unable to perform their duty. While sitting for the regular Judge, the appointee shall have all powers and duties of the office.
- c) The term of office for municipal court judge is hereby established as two years.

- d) The compensation of municipal court judges shall be set by City Council.

**Section Six – Municipal Court Prosecutor.** The City Council shall appoint a Municipal Court Prosecutor and alternate Municipal Court Prosecutor. The Municipal Court Prosecutor or his alternate shall conduct all prosecution in the Municipal Court on behalf of the City. Each shall be licensed to practice law in the State and a member in good standing of the State Bar. The Prosecutor and alternate Prosecutor shall be appointed for an indefinite term to serve at the pleasure of the City Council and shall receive compensation as the City Council may determine.

**Section Seven – Clerk.** The City Administrator shall appoint a clerk of the municipal court of record, and may provide other personnel as needed for the proper operation of the courts. The municipal clerk shall:

- a) keep the records of the municipal courts of record, issue process, and generally perform the duties that a clerk of a county court at law exercising criminal jurisdiction performs for that court. In addition, the clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts.
- b) The clerk and other court personnel perform their duties under the direction and control of the presiding judge.

**Section Eight – Court Reporter.** In accordance with Texas Government Code Section 30.00010 (d), instead of providing a court reporter, City Council hereby provides that court proceedings shall be recorded by a good quality electronic recording device.


- a) Such recording shall be kept for the 20-day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last.
- b) If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

**Section Nine – Severability Clause.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section Ten – Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed

Section Eleven – Effective Date. The Ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this the 12<sup>th</sup> day of December, 2017

  
\_\_\_\_\_  
Larry Thompson, Mayor

ATTEST:

  
\_\_\_\_\_  
Shelley Goodwin, City Secretary