

ORDINANCE NO. 2006-07-24-03

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, PROVIDING FOR THE PROCEDURE, PRACTICE AND ADMINISTRATION OF THE RANGER MUNICIPAL COURT CONSISTENT WITH STATE LAW; PROVIDING FOR LOCAL RULES AND OTHER REQUIREMENTS; DECLARING AN EMERGENCY MEASURE TO PROVIDE FOR THE DAILY OPERATION OF THE MUNICIPAL COURT; PROVIDING OPEN MEETINGS AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, THAT:

Section 1. Municipal Court Established. There is hereby created and maintained in the city a municipal court.

a. **State law.** The Municipal Court is hereby created and established and shall have the full powers as set forth in V.T.C.A., Government Code Chapter 29, as amended from time to time. The City Council may prescribe such additional rules as are not inconsistent with the law creating the municipal court, or in conflict with the general laws of the state.

b. **Clerk of court.** The city secretary, or other person appointed by the council, shall be ex-officio clerk of the court and is hereby authorized to appoint a deputy with the same powers as the secretary. The ex-officio clerk shall hold office during his/her term as city secretary, or as otherwise prescribed by the city council. The clerk shall keep minutes of the proceedings of the municipal court, issue all process and generally perform the duties of the clerk of a county court, as prescribed by law for a county clerk in so far as the same may be applicable. It shall be the further duty of the clerk to make a monthly report of all fines and collections and the disposition of all cases, and file the same with the council.

c. **Fines imposed by court.** The fines imposed in the municipal court may be the same as are prescribed for like offenses by the penal statutes of the state, but shall never be greater. Where any offense is covered solely and alone by ordinances of the city, such ordinance shall control. All fines assessed by the municipal court shall be paid to the clerk of the municipal court or some officer designated by the clerk to receive the same.

d. **Clerk may tax costs.** The clerk of the municipal court may tax costs in each case the same as is allowed in the justices' courts of this state to the justice of the peace and county attorney and the constable for like services. Such costs and fines may be collected by the clerk and turned into the city treasury, taking the receipt of such treasurer for the same.

e. **Attorney appointed by City Council to represent city.** An attorney appointed by the City Council, either in person or by deputy, shall as required by the city council from time to time, represent the city in the prosecution of each and every complaint, and for such representation there may be taxed and collected as cost by the clerk of the municipal court the same fees as are allowed

in a like case to the county attorney by the statutes of the state. Such fees when collected are to be paid to the clerk of the city by the clerk of the municipal court.

f. **Jurisdiction.** The municipal court shall have concurrent jurisdiction within the limits of the city, in criminal matters, with the courts of the justices of the peace, as is provided by statutes of the state. The rules of procedure for justice courts and the rules of evidence, as provided by the statutes of the state for the county court, shall be the rules of procedure and laws governing the different subjects tried in the municipal court. See. V.T.C.A., Government Code § 29.003 and Vernon's Ann. C.C.P. art. 4.14; evidence, Vernon's Ann. C.C.P. art. 4.15; court procedures, Vernon's Ann. C.C.P. art. 45.01 et seq.

g. **Municipal judge.**

(a) *Council to appoint.* The position of the presiding judge of the municipal court shall be filled by appointment by the council. The City Council may also appoint an alternate judge to serve when the presiding judge is unable to serve. The alternate judge shall meet the qualifications and shall have the duties of the presiding judge when serving in place of the presiding judge. The presiding judge shall be at least 18 years of age and shall not have been convicted of a felony nor a crime involving moral turpitude.

(b) *Duties.* The presiding judge shall perform the duties as prescribed by the laws of the state. The presiding judge shall be responsible for setting the time for the trial of cases.

(c) *Term of appointment; surety bond.* The presiding judge and the alternate judge shall be appointed for a term of office running concurrently with that of the office of the mayor; provided that the presiding judge and alternate judge shall be at will employees that serve at the pleasure of the City Council. The judges shall furnish such surety bond as may be required by the council, the premium to be paid by the city.

h. **Fines and Punishment.**

The court is authorized to establish policies and procedures for setting and assessing fines that are consistent with the appropriate policies and procedures set forth by the State in the Code of Criminal Procedure and applicable to the particular offense alleged. Punishment and fines may be assessed and include all remedies available under the State law for the particular offense alleged. Fines and punishment under any ordinance of the City shall be set forth in the ordinance and include any additional remedies that would be available under State law.

i. **Cases to be tried in open court.** All cases coming before the municipal court shall be tried and disposed of in open court.

j. **City employee not to represent defendant.** It shall be unlawful for any person who receives a salary from the city to be in any way, directly or indirectly, interested in the defense of any person charged with the violation of any ordinance of the city or any of the criminal laws of the state, except so far as may be necessary, to give evidence on behalf of persons so charged with violating any of such ordinances or criminal laws.

k. **Local rules.** The judge may from time to time adopt local rules and procedures for administration of the court, which are not inconsistent with the procedural requirements of the State.

Section 2. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date; Emergency Measure Declared. This ordinance is hereby declared to be an emergency measure necessary to provide for the usual daily operation of the municipal court. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on first reading on this 26th day of July, 2006.

Attest:

CITY OF RANGER, TEXAS

Jim Shipp, City Secretary

Joe Oliver, Mayor

