

## ORDINANCE NO. 155

**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS ESTABLISHING A MUNICIPAL COURT OF RECORD; PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE APPOINTMENT OF A MUNICIPAL COURT CLERK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta , Texas is a Type A general law municipality located in Parker County, and created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Chapter 30 of the Texas Government Code authorizes Annetta to establish its municipal court as a municipal court of record; and

**WHEREAS**, the Town Council of the Town of Annetta deems it necessary to establish a municipal court of record to provide a more efficient disposition of cases arising in the Town; and

**WHEREAS**, the Town Council wishes to provide for a more effective means to enforce the ordinances and laws of the Town of Annetta.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA:**

### **SECTION 1.**

The Town Council hereby establishes the Annetta municipal court as a municipal court of record in order to provide a more efficient disposition of cases arising in the Town, and in order to more effectively enforce the ordinances of the Town. The municipal court shall become a court of record from and after the effective date of this Ordinance, and

shall be known as "The Municipal Court of Record in the Town of Annetta".

## **SECTION 2.**

The municipal court of record has the jurisdiction provided by Chapter 30 of the Government Code for municipal courts of record.

## **SECTION 3.**

This municipal court of record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the Government Code of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

## **SECTION 4.**

The judge of the municipal court of record in the Town of Annetta shall be appointed by the Town Council by ordinance for a term of two (2) years. The municipal judge must be a licensed attorney in good standing in the state of Texas, and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the state of Texas. The Town Council shall establish the salary of the judge, which shall not be based directly or indirectly on fines or costs collected by the court. Such salary may not be diminished during the term for which the judge is appointed.

## **SECTION 5.**

If a vacancy occurs in the office of a municipal judge of a court of record, the Town Council shall by ordinance appoint a qualified person to fill the office for the remainder of the unexpired term. The Town Council may appoint one or more qualified persons as an associate judge to be available to serve for a municipal judge who is temporarily absent

due to illness, family death, continuing legal or judicial education programs, or any other reason. The municipal judge shall select one of the qualified persons appointed by the Town Council to serve during the absence of the municipal judge. The associate judge, while serving as a municipal judge, has all the powers and shall discharge all the duties of a municipal judge. An associate judge must meet the qualifications prescribed for the municipal judge. The Town Council shall set the compensation for the associate judge.

**SECTION 6.**

The municipal judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical functions of the administrative department of the municipal court shall be under the supervision and direction of the Mayor.

**SECTION 7.**

The Town Council may appoint one or more magistrates who need not possess all the qualifications necessary to be a municipal court judge of the court of record. The magistrate may conduct an arraignment, hold an indigence hearing, accept a plea, sign a judgment, set the amount of bond and perform other functions under Article 15.17 of the Code of Criminal Procedure. A magistrate may not preside over the court or hear contested cases.

**SECTION 8.**

The Mayor shall appoint a clerk of the municipal court of record who shall perform duties in accordance with state law and Town ordinances. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal

court judge. At all other times they shall serve at the direction and supervision of the Mayor who shall have the authority to remove the court clerk or other court personnel according to rules set forth in the Town's personnel policies. The clerk of the municipal court of record shall keep the records of the municipal court of record, issue process, and perform the duties described in Section 30.00009 of the Texas Government Code.

#### **SECTION 9.**

The proceedings of trials in municipal court of record shall be recorded by a good quality electronic recording device and kept for a period of twenty one days after the last day of the court proceedings, trial, or denial of a motion for new trial, whichever occurs last. If the case is appealed, the proceedings shall be transcribed from the recording by an official court reporter. The municipal court clerk shall appoint a court reporter who must meet the qualifications provided by law for official court reporters.

#### **SECTION 10.**

The court clerk shall supervise the selection of persons for jury service in the municipal court of record.

#### **SECTION 11.**

In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of \$25. The transcript preparation fee does not include the fee for an actual transcript of the proceedings, which the appellant must pay. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant.

**SECTION 12.**

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances are hereby repealed.


**SECTION 13.**


It is hereby declared to be the intention of the Town 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 Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 14.**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED ON THIS 20<sup>th</sup> DAY OF NOVEMBER, 2014.**

  
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Bruce Pinckard, Mayor

ATTEST:  
  
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Rico Remigio, Town Secretary

EFFECTIVE: November 20<sup>th</sup>, 2014

