

## CHAPTER 32: MUNICIPAL COURT

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### **§ 32.01 MUNICIPAL COURT OF RECORD NUMBER 1 ESTABLISHED.**

(A) The Municipal Court of Record Number 1 of the City of Meadowlakes, Texas is hereby established. The Municipal Court of Record Number 1 shall be a court of record. The court shall be designated as "Meadowlakes Municipal Court of Record Number 1."

(B) Meadowlakes Municipal Court of Record Number 1 shall have all the jurisdiction and power as is authorized in Title 30 of the Local Government Code of the State of Texas for Municipal Courts of Record."  
(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2006-10, passed 7-10-06; Am. Ord. 2006-33, passed 1-8-07)

### **§ 32.02 OFFICE OF MEADOWLAKES MUNICIPAL COURT OF RECORD NUMBER 1 JUDGE ESTABLISHED.**

(A) The office of JUDGE of Meadowlakes Municipal Court of Record Number 1 is hereby established. The Meadowlakes Municipal Court of Record Number 1 shall be presided over by a CHIEF JUDGE who shall be appointed by and removed by the City Council. The City Council shall also appoint one or more ALTERNATE JUDGES, as it deems necessary. (All of whom are hereby referred to herein as JUDGE) In order to be qualified for the office hereby created, the Judge of the Municipal Court of Record Number 1, upon the date the appointment is made, must:

- (1) Be a citizen of the United States of America and the State of Texas.
- (2) Be a person of good moral character.
- (3) Be 21 years old or older.
- (4) Have resided continuously in the State of Texas for 12 months immediately preceding the date.
- (5) Not have been finally convicted of a felony from which the person has not been pardoned.
- (6) Not have been found to be mentally incompetent by a final judgment of a court.

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(B) The CHIEF JUDGE and any ALTERNATE JUDGE shall be licensed attorneys in good standing with the State Bar and have two or more years experience in the practice of law in the State of Texas.

(1) The Judge must successfully complete:

(a) A 12-hour course of judicial education in the performance of the Judge's duties accredited by the Texas Judicial Council, and

(b) Twelve hours of judicial education in the performance of the Judge's duties accredited by the Texas Judicial Council each calendar year following the calendar year in which the initial course was taken.

(2) Additionally, the Judge must complete any and all educational courses that may be required, by law, to replace or supplement the foregoing educational requirements.

(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2005-8, passed 5-2-06; Am. Ord. 2006-10, passed 7-10-06; Am. Ord. 2006-25, passed 9-26-06; Am. Ord. 2006-29, passed 11-7-06; Am. Ord. 2006-33, passed 1-8-07)

### § 32.03 APPOINTMENT; TERM.

(A) The Judge (and any replacement) shall be appointed by the Mayor; however, for such appointment to be effective, it must be confirmed by the governing body of the municipality.

(B) The governing body shall appoint a person with the qualifications required of a Municipal Judge to fill a vacancy in the office of Municipal Judge. The appointee serves for the unexpired term. If a Judge is temporarily unable to act for any reason, the governing body may appoint a person with the qualifications required of a Municipal Judge to serve during the regular Judge's absence. The appointee shall have all of the powers and duties of the office and is entitled to compensation, if any, as set by the governing body.

(C) The Judge shall serve for a term of two years, coinciding with the Mayor's term of office. A Judge who is not reappointed by the ninety-first day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

(D) The Judge may be removed as authorized by applicable law.  
(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2006-10, passed 7-10-06)

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### § 32.04 COMPENSATION.

The Judge shall be entitled to compensation, if any, as set by the governing body of the municipality, and compensation may not be changed during the Judge's term of office. Compensation shall not be based directly or indirectly on fines, fees, or costs that the Judge is required by law to collect during the term of office.  
(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2006-10, passed 7-10-06)

### § 32.05 DUTIES.

The Judge shall:

(A) Preside over the Municipal Court of Record Number 1.

(B) Take judicial notice of the ordinances of the city and grant or issue all writs necessary to the enforcement of the jurisdiction of the Municipal Court of Record Number 1.

(C) Maintain a docket for cases filed within the territorial limits of the city over which the Municipal Court of Record Number 1 has jurisdiction.

(D) Request the jurors needed for cases that are set for trial by jury.

(E) Cause the records of the Municipal Court of Record Number 1 to be permanently kept and made available for inspection by interested parties at all times.

(F) Perform any and all other duties and functions required or authorized, by law, to be performed by a Municipal Judge in the State of Texas.  
(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2006-10, passed 7-10-06)

### § 32.06 JURISDICTION OF COURT.

(A) The Municipal Court of Record Number 1 shall have exclusive original jurisdiction within the territorial limits of the city in all criminal cases that arise under the ordinances of the city and are punishable by a fine not to exceed the following.

(1) \$2,000 in all cases arising under municipal ordinances that govern fire, safety, zoning, or public health and sanitation, including dumping of refuse.

(2) \$500 in all other cases arising under a municipal ordinance.

(B) The Municipal Court of Record Number 1 has concurrent jurisdiction with the Justice Court of the precinct in which the city is situated in all criminal cases under State law that:

(1) Arise within the territorial limits of the city and are punishable only by fine.

(2) Arise under the Tex. Alcoholic Beverage Code, Chapter 106, and do not include confinement as an authorized sanction.

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(C) An offense which is punishment by “fine only” 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. The fact that a conviction in the Municipal Court of Record Number 1 has, as a consequence, the imposition of a penalty or sanction by an agency or entity other than the Municipal Court of Record Number 1, such as a denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the Municipal Court of Record Number 1.

(D) The Municipal Court of Record Number 1 has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the Municipal Court of Record Number 1 has jurisdiction.  
(Ord. 99-05-15, passed 5-15-99; Am. Ord. 2006-10, passed 7-10-06)

### **§ 32.07 MUNICIPAL COURT CLERK.**

The position of Municipal Court Clerk is hereby created, and shall receive such compensation as may be fixed by the governing body. The Municipal Court Clerk shall serve as the Court Clerk for the Municipal Court of Record Number 1 and shall be appointed to office by the governing body and shall be subject to removal by the governing body. In the event the governing body fails to appoint a Municipal Court Clerk, the City Secretary shall act as the ex-officio Clerk of the Municipal Court until appointment of a Municipal Court Clerk. The Municipal Clerk shall keep minutes of the proceedings of the Municipal Court of Record Number 1, issue all process, and generally perform the duties for the Municipal Court of Record Number 1 that a County Clerk performs for a County Court.  
(Ord. 99-05-15, passed 5-15-99; Am. 2006-10, passed 7-10-06; Am. Ord. 2009-29, passed 11-7-06)

### **§ 32.08 COURT REPORTER.**

The position of Municipal Court Reporter is hereby created, and shall receive such compensation as may be fixed by the governing body. The Municipal Court Reporter shall serve as the Municipal Court of Record Number 1 Reporter and shall be appointed to office by the governing body and shall be subject to removal by the governing body. The Court Reporter must meet the qualifications provided by law for official court reporters.  
(Ordinance 2006-10, passed 7-10-06; Am. Ord. 2006-25, passed 9-26-06; Am. Ord. 2006-29, passed 11-7-06)

### **§ 32.09 RECORDING OF PROCEEDINGS.**

- (A) The Municipal Court of Record Number 1 shall comply with the recording procedures set forth in Chapter 30 of the Texas Government Code.
- (B) Upon request of the Municipal Judge or upon written request of one of the parties to a trial, proceedings of the Municipal Court of Record Number 1, limited to trial testimony and motions before the court, shall be recorded. The proceedings shall primarily be recorded electronically, but may be recorded by a qualified court reporter. The defendant may, at his expense, have a court reporter present in the courtroom during the proceedings.

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- (C) The recording of Municipal Court of Record Number 1 proceedings shall be kept and stored for not less than 20 days beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The proceedings that are appealed shall be transcribed from the recording by a court reporter or other person authorized to transcribe the court of record proceedings. The court reporter or other person transcribing the recorded proceedings is not required to have been present at the proceedings when they were recorded.
- (D) The defendant shall pay for any transcription of the recorded proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or give security for the transcription.
- (E) Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the transcription, post a cash deposit with the Municipal Court Clerk for the estimated cost of the transcription. The cash deposit shall be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of court reporter, typing, and other incidental services. The Municipal Court Clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal clerk shall refund the difference to the defendant. If the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before he is given the transcription. If a case is reversed on appeal, the Municipal Court Clerk shall refund to the defendant any amounts paid for a transcription.
- (Ordinance 2006-10, passed 7-10-06; Am. Ord. 2006-29, passed 11-7-06)

### § 32.10 FINES AND COSTS.

(A) **Definitions** – The following words, terms and phrases, when used herein shall have the meaning ascribed to them in the subsection, except where the context clearly indicates a different meaning:

(1) **Conviction or Convicted** shall mean any person be deemed to have been convicted for whom the Municipal Court of Record Number 1 imposes any penalty or sentence, the person receives community service, or deferred adjudication, or the Court defers final disposition of the case.

(2) **Rules of the Road** shall mean offenses committed under Subtitle C, Title 7 of the Transportation Code being sections 541 through 600 of the Transportation Code.

(B) The fines, court costs and fees imposed in the Municipal Court of Record Number 1 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. The Municipal Court Clerk shall collect and report all court costs as required, including but not limited to the following:

(1) **Failure to Appear Special Expense.** The Municipal Court Clerk shall collect a special expense for the issuance and service of a warrant of arrest from each defendant served with a warrant for failure to appear or violation of a promise to appear. The

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Municipal Court Clerk shall report each special expense collected of the City Treasurer for deposit into the general funds of the City. The special expense dollar value shall be as defined in Meadowlakes Code Appendix A.

**(2) Failure to Appear Administration Fee and Contract with Texas Department of Public Safety.** At all times that the City has a contract with the Texas Department of Public Safety to deny renewal of licenses for individuals charged with Failure to Appear, the Municipal Court Clerk shall collect an additional administrative fee (fee amount defined in Meadowlakes Code Appendix A) at the time of the following: (1) the court enters judgment on the offense for which the failure to appear was submitted; (2) the case is dismissed; or (3) bond or other security is posted to reinstate the charge for which the warrant was issued. Distribution of the funds shall be as provided by agreement with the Texas Department of Public Safety. The Municipal Court Clerk shall maintain a copy of the agreement and report each failure to appear fee collected as well as the distribution of the fee to the City Treasurer. Should a defendant fail to pay the administrative fee as required, the Municipal Court Clerk shall report such failure to the Texas Department of Public Safety and request the Department deny renewal of the defendant's license. Cross-Reference - §706.006, Transportation Code.

**(C) Dishonored Check Fee.** A service charge shall be assessed against any person who pays the city with a check, draft or money order that is returned unpaid for lack of sufficient funds or closed, or nonexistent account. The service charge shall be as defined in Meadowlakes Code Appendix A. Cross-Reference - - §3.506, Business & Commerce Code.

**(D) Copying Charges for Public Records.** A service charge shall be collected for copying and related expenses associated with requests for governmental and public records. The service charges collected shall be as defined in the Meadowlakes Code Appendix A. (Ordinance 03-01, passed 5-6-03; Am. Ord. 2006-10, passed 7-10-06, Am. Ord. 2006-25, passed 9-26-06; Am. Ord. 2006-29, passed 11-7-06, Am. Ord. 2006-32, passed 11-7-06)

### § 32.11 CONFIDENTIAL PAYMENT AND COMMUNICATION RECORDS.

The Municipal Court Clerk shall separately file from the records of any case in the Municipal Court of Record Number 1 any documents collected, assembled or otherwise maintained containing a credit card, debit card, charge card, or other access device number. The Municipal Court Clerk shall redact the e-mail address from any communications received via e-mail or shall maintain such documents separately of the documents of the case. The e-mail address of any individual communicating with the court shall not be disclosed to a member of the public without express consent of the individual. Any requests for documents containing this information shall be immediately referred to the City Attorney's office. *Cross-Reference - - § 552.136 and 552.137, Government Code.*

(Ordinance 03-01, passed 5-6-03; Am. Ord. 2006-10, passed 7-10-06, Am. Ord. 2006-25, passed 9-26-06; Am. Ord. 2006-29, passed 11-7-06)

**Municipal Court****§ 32.12 PRIMA FACIE EVIDENCE.**

**(A) Properties.** In any prosecution charging a violation regarding nuisances upon a property, the failure to comply with any notice or order regarding a nuisance on a property or building in violation of an ordinance of the City, including but not limited to failure to apply for a building permit or other permit or license required herein, proof that the particular property described in the complaint was in violation of an Ordinance regulating the property, together with proof that the defendant named in the complaint was, at the time of such notice, violation or order or at the time when work was performed without a permit, the registered owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order or failed to apply for a permit for the time during which such violation occurred in violation of the charged Ordinance of the City.

**(B) Animals.** In any prosecution charging a violation of an Ordinance or Statute regulating or governing the abuse, neglect or ownership of an animal or failure to license an animal as required, proof that the particular property described in the complaint was the premises upon which the animal resided, was harbored or maintained and a violation of an Ordinance or Statute regulating or governing the animal alleged in the complaint together with proof that the defendant named in the complaint was, at the time of such complaint or at the time when the animal was in violation of said Ordinance or Statute, the registered owner of such animal or the person with legal rights to reside on said property, shall constitute in evidence a prima facie presumption that the registered owner of such property or the person with legal rights to reside on said property was the owner of the animal and the person who failed to comply with or violated the Ordinance or Statute.  
(Ordinance 03-01, passed 5-6-03; Am. Ord. 2006-25, passed 9-26-06)

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